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CHARACTERS

OF

Fox; Horne Tooke;

Erskine; Jefferson;

&c



PARIS.

Published

by Parsons and Galignani.

Booksellers,

N^o 43 Vivienne Street.

**Bayerische
Staatsbibliothek
München**

THE HONOURABLE

(lately RIGHT HONOURABLE)

CHARLES JAMES FOX.

ALL the great men of the present day are either the offspring of, or immediately descended from new families. The ancient nobility repose under the laurels of their ancestors. Not deigning to apply to any of the learned professions, and deeming commerce and agriculture unworthy of their pursuits, (a few illustrious characters excepted) they delegate their domestic concerns to the care of their upper servants, and not unfrequently the business of the nation is intrusted to their proxies. This, perhaps, will be the best apology for the multitude of plebeian scions recently ingrafted on the stock of ancient aristocracy; and, although it may puzzle Garter, Norroy, and Clarencieux,* to find them either arms or ancestors, certain it is that the *life-blood* of nobility has been infused into the peerage through the conduit of democracy.

It may also be necessary to preface this article with another observation, of which some of the most conspicuous characters of the present political drama afford more than one pregnant instance: that the younger sons of our nobility are more suc-

* Heralds at arms.

cessful in their political efforts than the elder *. This may be easily accounted for : the heir to a great fortune, and an illustrious title, knows not how soon both may devolve upon him ; and when that event takes place, to what further object can his expectations point ? He finds that he has been born a legislator, and that a large fortune is entailed upon his person ; here, then, are wealth and honours not only within his grasp, but actually in his possession. It is otherwise with the junior branches, for they have in general but little in possession, and every thing to look for ; they inherit all the exquisite relish for pleasure that their seniors enjoy to satiety, and are only deficient in the means of gratification. Like the dove of Noah, they scarcely find a resting place for the soles of their feet, on *their own* earth, and they are exactly in the situation of an invading general who has burnt his ships, for they must go on, or perish !

Charles James Fox is the younger son of Henry, who was himself a younger son of Sir Stephen Fox, celebrated less for his own birth than the circumstance of being a father at the age of eighty,

* The following remarks are by the late Lord Orford, better known by the name of Horace Walpole :

« William Pitt, Lord Chatham, was a second son, and
 « became prime minister of England. His rival and anta-
 « gonist was Henry Fox, Lord Holland, a second son like-
 « wise. Lord Holland's second son, Charles Fox, and Lord
 « Chatham's second son, William Pitt, are now rivals and
 « antagonists. »

an event not incredible, however, and rendered, in the present instance, unsuspecting, by the decorous conduct and acknowledged virtue of the partner of his bed. Henry entered early into public life; and such was his address in parliament, during the reign of George II., that he soon attained not only some of the most arduous and honourable, but also the most lucrative situations in the gift of the crown; for, in the year 1754 he was appointed secretary at war; then secretary of state for the southern department; and, after being *ousted* by the great Mr. Pitt, less celebrated under the name of Earl of Chatham, we find him filling the immensely beneficial office of pay-master general of the forces, accumulating great wealth, and thereby incurring the animadversions of the first city of the empire. Such indeed was his consequence, that at a time when patents of peerage were not very common, he was ennobled by his present Majesty, in 1763, by the title of Baron Holland of Foxley.

His son, Charles James, was born January 13th, 1749, and if on his father's side he classed among the *novi homines*, by his mother's, his descent must be allowed to be illustrious; for Lady Georgiana Carolina Lenox was the daughter of the late Duke of Richmond; and, as such, in addition to that of the King of Sardinia, she was allied to the two rival, but related families, which had so long contested for the throne of Great Britain — those of Brunswick and Stuart.

But it is not to such claims as these that the future historian will have recourse ; he will dwell with ardour on the early promise of genius , the precocious talents of the boy, the matured wisdom of the philosopher and the statesman ; and while the abilities and virtues that adorn the character of his hero bring him forward on the canvas, these inefficient and involuntary pretensions will be cast into the shade , and scarcely be distinguished in the back-ground.

This second son proved Lord Holland's favourite child , and at length became the darling of his old age. Perceiving in him the seeds of all the admirable qualities that constitute greatness , he was at infinite pains to give scope to his intellectual vigour, to expand the shoots, and disclose the blossoms of so promising a plant. From his earliest infancy he intended him for parliamentary business, and by conversing always with him as if he had been a man , he actually made him one before the usual time *.

This country beheld, in the persons of two rival orators , two wonderful instances of statesmen , retiring at different times from the field of contention , and devoting the remainder of their lives to the education of their two younger sons , with whom they were accustomed to consult about

* Lord Holland is said to have submitted his dispatches to the perusal of his favourite boy ; and , on one occasion , is actually reported to have complied with the alterations he suggested.

public affairs, and sometimes to place on a table, in order to hear them declaim. Occupied during the early part of their days in hostilities against each other, the enmity of the families seems to have become hereditary, for it is kept up by their children, who still maintain a rivalry, even after they have abjured the principles of their respective sires.

In compliance with the future destination of his son, Lord Holland preferred a public to a private education, and accordingly sent Charles to Westminster school. After distinguishing himself there, he removed to Eton, where Dr. Bernard, the late provost, found him not only uncommonly eager after amusements, but eminently successful in classical attainments *. His private tutor, while a member of this celebrated institution, was

* The following is a translation of a copy of verses written by Mr. Fox, when at Eton, the thesis or theme of which is *Ἀγγελος ορνίς*, and the subject, a Lover's address to a Dove, intrusted with a letter from him to his Mistress. The original is in the first volume of the *Musæ Etonenses*, p. 216.

Go speed thy swift way thro' the clouds of the air,
Go, favourite of VENUS, and fly to my fair!
Tho' the wide-flowing ocean our intercourse part,
And her beauties, unseen, only live in my heart,
Tho' permitted no more to contemplate each grace,
To hang on her voice or to look in her face,
A union imperfect we'll owe to thy aid,
And in absence I'll talk to my favourite maid.
Thro' the air a free passage thy wings shall obtain,
And convey the fond pledge of my love and my pain;

Dr. Newcombe, afterwards Bishop of Waterford, and now Archbishop of Armagh, who, while he was frequently vexed at the dissipation of his pupil, had occasion, at the same time, to be highly gratified with his progress. Here he formed his early friendships with the Earl Fitzwilliam, Lord Carlisle, his own relation the Duke of Leinster, and some of the first men of the age. It was here also, that one of them * anticipated his future reputation, in the following lines :

“ How will my Fox, alone, by strength of parts,
 “ Shake the loud senate, animate the hearts
 “ Of fearful statesmen ! while around you stand
 “ Both Peers and Commons, list’ning your command ;

That my vows, tho’ unheard, to her bosom may steal,
 And at least my SUSANNA may *read* what I feel.
 While vessels are wreck’d on the perilous strand,
 And robbers beset the poor trav’ler by land ;
 ’Tis thine ’mid the stars, thro’ the infinite sky,
 Unseen, undismay’d, unresisted to fly,
 And when the tost billows the tempest proclaim,
 The winds but assist thee, thy course is the same.

Perhaps my impatience may sometimes unfold
 Sensations too sacred, too sweet to be told : —
 Thou art mute—hadst thou language, for VENUS’s dove
 Would never betray, the soft secrets of love.
 She relies on thy faith, and thro’ heaven’s wide sea
 To her warrior’s embraces is wafted by thee ;
 She wills in my cause that thy service be shewn,
 As true as it still has been found to her own.
 Then fly swift thro’ the air to SUSANNA, and prove
 Thy affection to me, thy devotion to LOVE.

* Lord Carlisle.

« While TULLY's sense its weight to you affords,
« His nervous sweetness shall adorn your words.
« What praise to PITT, to TOWNSHEND, e'er was due,
« In future times, my Fox, shall wait on you.»

His father being, in the uncourtly language of those days, « a rank Tory, » Charles was sent to finish his education at Oxford, where he is reported, in imitation of Penelope, to have regained, by his daily toils, the labours lost during his nocturnal aberrations.

At length he began to pant after a more unrestrained intercourse with society, and consequently to be disgusted with the restraints, and tired with the uniformity, of a collegiate life. The most easy, as well as most likely way to rid himself of this, was to evince an ardent desire to see the world; and as his studies were now completed, his father, as usual, indulged the wishes of his darling son. Those who have been accustomed to see Mr. Fox of late years, without being acquainted with the minute particulars of his early life, will scarcely believe, that at this period he was one of the greatest *beaus* in England; that he indulged in all the fashionable elegance of attire, and vied, in point of *red-heels* and *Paris-cut-velvet*, with the most shewy men of the times. These, and similar qualifications, were displayed in most of the courts of Europe, in the course of the grand tour; and if he did not return, like his maternal ancestor *, with all the vices of the con-

* Charles II.

continent, he at least brought home a wardrobe replete with all its fashions. Nor will a strict regard to historical truth permit the omission of more culpable transgressions, for he is said, amidst the ardour and impetuosity of youth, to have expended, or rather lavished, vast sums of money in play †, and to have contracted immense debts. Let it be recollected, however, that he was, at this very time, between two and three years short of that period when the law declared him to be no longer a minor.

His enemies have carefully reminded us, that the first political act of his life was a violation of the jurisprudence of his native country; for at the general election, in 1768, he took his seat for Midhurst, in Sussex, a borough under the influence of his family, when he was only nineteen years of age, and consequently ineligible. It is with pain too, and here reluctantly recorded, that the first effort of his eloquence was hostile to liberty *; but, besides his extreme youth, the bent

† Dr. Bisset, in his *Life of Burke*, asserts, that his father Lord Holland, who accompanied him to Spa, first excited an itch for play in his youthful mind, by allowing him five guineas a night to be spent in games of hazard.

* His first speech was in opposition to Mr. Wilkes, then confined in the King's Bench; and whatever the *motives* of that gentleman might be, dispassionate men will now be ready to avow that, on this occasion, his cause was not only popular, but just.

of his education, the prejudices of his family, and the wishes of a fond father, ought all to be taken into consideration, and if a complete vindication does not ensue, a liberal and ingenuous mind will not be at a loss for an apology.

During all the proceedings of the House of Commons relative to the Middlesex election, Mr. F. stood forward as the champion of the ministry, and exhibited no common address and activity on the occasion. From the first moment of his entering the senate, he, indeed, displayed all the qualities of an accomplished orator; and Lord North, then Chancellor of the Exchequer, deemed his merits so considerable, that, in the beginning of 1772, he nominated him to a seat at the admiralty board, and in the latter part of the same year made him, in some measure, a partner with himself, in the management of the empire, by appointing him a lord of the treasury.

Amidst this seeming devotion to the court, there were not wanting opportunities when he shook off the trammels of dependence, and allowed his manly mind to take its full scope. Not the least memorable of these occurred during the debate on the bill brought into the House of Commons by Sir William Meredith, to give relief from subscription to the xxxix articles of the church of England; and in the liberal sentiments delivered on that occasion, Mr. Fox has firmly and uniformly persevered until the present moment.

But the time had now arrived, when a new di-

rection was to be given to his pursuits. The real cause of this event, which involved so many important consequences, can only be guessed at. The sons of the Lords Guildford and Holland, were both possessed of talents; the one, perhaps, aspired to, the other enjoyed, the supreme command; and, like two great men of antiquity, the first could not brook a superior, nor the second a rival. The enmity of the premier was developed in the refusal of a petty appointment; it increased on the memorable examination of the Rev. Mr. Horne, now John H. Tooke, at the bar of the House of Commons; and finally became public in consequence of a billet, couched in terms of Spartan brevity*.

Considering this not merely as an injury but an insult, the enmity of Mr. Fox, from that moment became public, and he at length raised such a constitutional opposition to the administration of the noble lord, who had thus treated him in a manner bordering on contempt, that he, in the end, subverted his power, and dragged his antagonist to the very edge of the scaffold.

In the mean time Lord Holland died, leaving a large sum of money, and considerable estates in the neighbourhood of Kingsgate, with the house there, built in imitation of Tully's Formian villa,

* « His Majesty has thought proper to order a new commission of the treasury to be made out, in which I don't perceive your name.

« NORTH.

« The Hon. Mr. Fox. »

on the coast of Baiæ, to his son Charles. He was thus in possession of a plentiful fortune, and had he retained it, would have stood upon high ground in point of consequence; for these bequests, in addition to the clerkship of the Pells, in Ireland, soon after sold to Mr. Jenkinson, now Lord Liverpool, must have produced a nett annual income of more than 4000*l. per annum.*

After the dissipation of this large property, a common mind would, perhaps, have bent under the calamity; his, on the contrary, seems to have rebounded from the fall; and instead of sinking into despair, to have actually soared into celebrity, and even independence.

A new and a noble field now opened to his ambition; and he commenced his career as a patriot, on principles which Locke has upheld, and Sydney would not have blushed to support.

The members of that administration (supposed by some to be only the puppets of a northern peer) had rendered themselves detested by the oppression of Mr. Wilkes, the prosecution of the printers, the countenance given to the riots at Brentford, and the military execution in St. George's-fields.

Another event, of infinitely great magnitude, now filled up the bitter draught of popular odium, and the previous oppression, and threatened subjugation of America, aroused a general spirit of resistance within the mother-country, and pointed the finger of public vengeance at the devoted head

of the premier. Fortunately for Mr. Fox's consistency, his conduct respecting the transatlantic contest was strictly uniform; and on this, as on a subsequent occasion, he saw afar off, anticipated the impending calamities, and predicted the accumulation of misfortunes, which afterwards nearly overwhelmed the nation.

Accordingly, in 1774, he opposed the introduction of the Boston-Port-bill, and apologized for the conduct of the colonies. In his speech, on this occasion, he arraigned the measures of the minister in bold and energetic language; and explained the principles of the violated constitution with a masculine eloquence worthy of the cause. The treasury-bench now began, for the first time, to calculate the loss it had sustained, the opposition, to estimate the strength it had acquired; while the people rejoiced to behold, in the person of a youthful senator, whom they had been taught to consider as an enemy, a firm, an intrepid, and an eloquent advocate, such as would not have disgraced Rome in her best days.

He now sat on the same seat with a Saville, a Barré, a Dunning, and a Burke, with the last of whom he had frequently broken a lance, in the war of argument, from the opposite side of the house; and he has since candidly avowed, that from this celebrated man he first imbibed those enlightened maxims of government, professed and acted upon by the pupil, alas! when the master himself seemed to have abandoned them.

On the discussion of Mr. Burke's conciliatory propositions, in 1775, Mr. F. strenuously supported the liberal schemes of polity pointed out by that gentleman, and spoke and voted, during the whole contest, in direct opposition to a criminal system, which, as it had been fondly and fallaciously prognosticated, was to produce the unconditional submission of the colonies, and lay them prostrate at the feet of the mother-country!

At length all the evils that had been foreseen were realized. America, driven to despair, declared herself free and independent; monarchical France exerted her protecting arm across the Atlantic; the capture of Burgoyne and Cornwallis proclaimed the triumphs of liberty; and a new conflagration, lighted up in Europe by the firebrands that had been scattered by the British ministry in another hemisphere, wasted the strength and exhausted the resources of England.

At the general election, in 1780, the family-borough of Midhurst falling into other hands, and Mr. F. blushing, perhaps, at the idea of violating the very spirit and essence of a constitution which he now began, for the first time, to contemplate and venerate, determined to become a candidate for the city of Westminster,—and he at length succeeded after a violent contest, in which he baffled not only the interest of the Newcastle-family, but also all the influence of the crown, both of which were powerfully, but unsuccessfully exerted against him. Being now the representative,

not of a petty venal borough, but of a great city, and that too without any expence to himself, he appeared in parliament in a more dignified capacity, and acquired a considerable increase of weight and consequence.

Soon after this event the ministry began to totter, and the political rats were in motion in order to desert the falling fabric. A minority, at first contemptible in point of numbers, but always formidable in respect to integrity and abilities, and which then claimed Mr. Pitt among the most zealous of its partisans, had now gained a vast accession of power and popularity. Assailed from within by the thunders of eloquence, and overwhelmed from without by the clamours of an indigent people, «the Noble Lord in the Blue Ribbon», as Lord North has been generally called, was completely hunted down, and that power wrested from his hands of which he had made so shameful a use.

A new administration was immediately formed from among the most leading men in opposition to the late ministry, at the head of which stood Lord Rockingham, a man whose ardour in the cause of integrity and virtue has seldom been equalled and never surpassed. Mr. Fox was of course nominated to a seat in the cabinet, and appointed one of the Secretaries of State. The merit of this short-lived administration was conspicuous. Notwithstanding they had succeeded to an empty exchequer, and a general war, they yet determined to free the peo-

ple from some of their numerous grievances; and had they remained a little longer in power, infinitely more would have been effected. Contractors were excluded, by act of parliament, from the House of Commons; custom and excise officers were disqualified from voting at elections; the proceedings, with regard to the Middlesex election, were rescinded; while a reform-bill abolished a number of useless offices. A more generous policy was also adopted in respect to Ireland; a general peace was already meditated; an ancient ally was attempted to be soothed by an offer of negotiation*; and America, which could not be restored, was at least intended to be conciliated.

In the midst of these promising appearances, the nobleman, who was the key-stone that supported the discordant materials of the political arch, died suddenly, and the council-board was instantly divided by political schisms.

The Marquis of Lansdowne, who appears, at this time, to have had the ear of the king, but not a majority in the cabinet, was immediately intrusted with the reins of administration; and Mr. Fox determining (to make use of his own language) "never to connive at plans in private which he "could not publicly and consistently avow," retired

* Mr. Fox, wishing to detach the Dutch from the coalition with the House of Bourbon, wrote a letter to M. Simolin, the Russian minister, in which he offered to form a new treaty on the basis of that of 1764.

from office with a numerous and respectable body of his friends.

In the mean time the party, left in possession of all the great offices, concluded a peace with America, France, and Holland; but their administration proved of short duration, for a grand political confederacy had now been formed against them. This, under the name of « the Coalition, » soon subverted their power, and supplanted them in office.

This event forms one of the most memorable epochs in the life of the illustrious character we are treating of, since it cannot be denied but that many of his friends, who had hitherto reposed the most unreserved confidence in his integrity, henceforth withdrew it; whilst on the other hand it afforded a subject of joy and exultation to his enemies, the partisans of arbitrary power, both at home and abroad, who immediately profited of it, by exerting all their influence and intrigue to undermine his reputation in the minds of the people, before whom they displayed what they termed his « political tergiversation » in the most odious colours, insidiously comparing it with the hitherto untainted virtue of the son of the great Lord Chatham, whose affected ardour at this time in support of parliamentary reform, wonderfully assisted his ambitious projects, by dazzling the eyes of the multitude little accustomed to search into causes and effects. Since the prejudices of that day are now, however, in part dispelled, a defence of those motives by which we believe Mr. Fox to have been actuated

in forming a coalition with a nobleman, of whom he had been one of the most violent opponents, may now, we flatter ourselves, be brought before a more impartial tribunal. To those who arraign him for not having followed up the victory he had obtained over his adversary, for not having brought his head to the block, "as an expiatory sacrifice for the oceans of blood he had unjustly caused to flow during the American war," we reply that it would only have been adding one injustice to another to have singled out one solitary individual for punishment, amongst the immense majorities he was supported by, every individual of whom was to the full as guilty as himself, since they were all arrived at years of discretion, and every man amongst them capable of judging and determining for himself; here there was no degree of guilt, it was all one indiscriminating mass of culpability. Had Lord North been brought to the scaffold, upwards of three hundred members of the House of Commons, must, had rigid justice been observed, have shared the same fate; common in their crimes, common must have been their punishment. But such a grand act of national justice could never have been sanctioned by any House of Commons; no minister would ever have permitted an act that would have kept the sword continually suspended over his own neck. Besides which, such is the caprice of human nature, so little are the generality of men influenced by the unerring principles of right and wrong, that we entertain little doubt, had the American war

terminated as successfully for Great Britain as it did unsuccessfully, the giddy multitude would have been full as eager in erecting statues to him who declared it, as they were in demanding his punishment. « But » continue Mr. Fox's accusers, « why did he coalesce with a man whose company he declared to be so abominable that he would never sit in the same room with him? » And is every assertion then made by a member, in the warmth of an extemporaneous harangue, to be afterwards brought in evidence against him, in case he does not act up to the very letter of it? What was the grand end Mr. Fox had in view in the whole of the speech alluded to? Certainly not to display his personal hatred against his then adversary (his enemies will concede us this) but for the purpose of fixing such marks of stigma and contempt on the minister, as to induce the House to withdraw its support from his measures; and if he succeeded in his efforts, are we, who were the first to reap the benefit resulting from them, to be the first to complain? Again it must be considered, that Lord North and his adherents were possessed of great influence; they had been guilty, it is true, or rather, they had suffered their understandings to be so misled, by the idea of unconditional submission to the mother-country, to such a degree, that it produced the effect of guilt; but the catastrophe that ensued had brought them to their senses: they saw how much their past conduct had aroused popular indignation against them, but they hoped to atone

for their errors by forming a coalition with their former adversaries, whose measures in favour of liberty and the good of the country they engaged to support with as much warmth as they had previously condemned them, in case they were allowed a participation of power. Mr. Fox well knew that his own private interest, and that of his friends, was by no means equal *in the House* to carry any great constitutional measures into effect, however well he might be supported *out of it*. Seeing, therefore, that there were no other means left him whereby to secure a tolerable share of unanimity, so necessary to that grand and enlightened system of polity he purposed to pursue, than through the support and assistance of those whom he had formerly opposed, forgetting all former political animosities and differences of opinion when the good of the country was in view, he resolved upon a coalition as a measure the best calculated to bring about the desired end. Such we have every reason to believe were the motives of both parties in forming this so much talked of, and so much censured junction. The few political acts which emanated from the coalition-administration indeed fully confirm it, there is not one but what bears marks of a wise, liberal, and comprehensive system of polity. A Coalition, such as this, however, formed upon so broad and conciliating a basis, the avowed object of which was to carry into effect popular measures, to prevent a farther extension of the power of the

crown, and to introduce a reform into the representation, was not very agreeable to the monarch, and could not but threaten the very existence of that *secret cabinet*, which since the time of Lord Bute, under whose auspices it was formed, had directed in secret, or connived at most of the great political measures which had since taken place. The unbending integrity of Mr. Fox, his declared hostility to the system of foreign war, taxation, and secret service-money, together with his declared resolution to propose no further augmentation of the Civil List, were the secret reasons which determined the partisans of absolute power, the minions of the monarch, to bring their scheme to maturity of getting rid of so dangerous a character. They felt that longer delay would be dangerous to their cause; the political prejudices they had so artfully succeeded in raising against the Coalition would soon be dissipated by the beneficial measures it was carrying into effect. They made a grand stand therefore on the « India Bill, » of which Mr. Burke is said to have been the penman; they raised the outcry that the power of the crown would be reduced to a mere shadow were this measure suffered to pass into a law, and that the proposers of it had no other object in view than to enrich themselves: these and many other equally ill founded objections, though urged with all the power of Mr. Pitt's oratory, were, notwithstanding, rejected in both Houses; but not so with the Monarch, panic struck at any thing which in how small

a degree soever was likely to affect the prerogative; he refused to give his consent to the Bill, and very soon afterwards appointed Mr. Pitt Chancellor of the Exchequer. The confidence of the House, however, was not so soon withdrawn as that of his Majesty. The new minister was in a minority. The King was obliged to dissolve his parliament, and the power of the crown was employed in an extraordinary degree to procure a return of members whose sentiments should be more congenial to those of the Sovereign.

We now behold Mr. Fox once more divested of power, reduced, on a sudden dissolution of parliament, to shelter himself against accidents in the representation of the Orkney Isles *, and to contend with an unexampled perseverance for a seat as member for Westminster, which, after a memorable scrutiny, and an immense expenditure, supported by the great aristocratical families in his interest, he at length obtained.

He has since been twice re-elected to the same honourable post, and has steadily combated, as a representative of the people, the influence of the crown, — that influence which, in his opinion, alone constitutes and produces all their grievances. His subsequent conduct has been such as to re-

* This is rather incorrect; Mr. Fox being returned for the district of the boroughs, called Tain, Dingwall, &c. Even here, however, he was opposed by Sir John Sinclair, but the interest of the present Lord (then Sir Thomas) Dundas finally prevailed.

store completely the current of popularity, and raise his name higher than before. His grand maxim, and surely it is immediately connected with the prosperity, and, perhaps, the existence, of a manufacturing and commercial country, is the maintenance of peace. With this object in view he opposed a contest with Russia, about the fortress of Oczakow, and a conflict with Spain, concerning the peltry of Nootka Sound.

During the first stages of that melancholy event which led to the regency bill, Mr. Fox was wandering through the delightful regions of modern Italy, and seemed enchanted once more to tread on classic land. From this charming spot, he was called to witness, and to participate in, far different scenes, and finally to behold the party he opposed more firmly seated in power than before. He has been blamed for his conduct during the impeachment of Mr. Hastings, but he was supported by a majority of the House of Commons on that occasion, and by nearly all his political enemies. This measure was absolutely necessary in order to clear the honour of the nation, and prove to the oppressed inhabitants of India, that in England they would still find avengers. It is not to be denied, however, that the trial was spun out to a most oppressive length, and that the supposed culprit at least ceased to be odious in the eyes of the people. The forms of the House of Peers, as a court of justice, are, indeed, unfavourable to the dispatch of business, but the

managers ought, perhaps, either to have accelerated these, or to have withdrawn from a struggle, when they perceived that the first step towards punishment consisted in the oppression of even a guilty individual!

No sooner did the French nation evince a sincere desire to shake off the dominion of absolute power, than Mr. Fox hailed the auspicious dawn of rising liberty, and deprecated the interference of this country in a quarrel hostile to the principles on which she had founded her proud pre-eminence. Neither dismayed however by the dereliction of many of his former associates, and among others, of that man from whom he had first imbibed the principles of freedom, * nor intimidated by the general delusion which had overspread the land, he came down to the House, and in one of the most eloquent speeches perhaps ever delivered by man, opposed the war with France, conjuring the House to negotiate before it rashly plunged the country into a contest, which must be ended by negotiation at last. « Reflect too, » said he, « on the kind of war you are entering into, a war against the opinion of seven « and twenty millions of men! And are you so « besotted as to imagine you can ever succeed « in it? »

Mr. Fox's oratory was, however, of no avail; his flowers of eloquence were scattered to the

* Mr. Burke.

winds, and his persuasive accents lost upon the sense. The question had been already prejudged, and alas predetermined! The war was resolved upon, and the demons of havock and destruction let loose upon the earth!

This event may be regarded as forming the most momentous crisis in Mr. Fox's life, and as the best answer to the aspersions of those advocates of despotism, who have traduced him as « the pander who administered to the vilest passions of the people : » for posterity will scarcely credit the fact, that such was at this time the effect of prejudice and delusion over the capital, that Mr. Fox's constituents at Westminster openly disapproved his having voted against the war, and wished him to join in carrying it on. Far, however, from yielding to their sentiments, or bending his superior mind to the passions of the vulgar, he persisted in maintaining his opinion, and, in defence of it, drew up a brief but energetic letter, which he addressed to the inhabitants of the city of Westminster. Of this appeal to the good sense of his constituents, it is a fact not less true than astonishing, that every circumstance predicted in it has since come to pass. It is doing a kind of injustice to the whole to quote any detached part of this admirable performance, but it is impossible to refrain from citing the author's sentiments on the real object which the Combined Powers had in view.

« The conquest of France!!! O calumniated

« crusaders, how rational and moderate were your
« projects! O! much injured Louis XIV. upon
« what slight grounds have you been accused of
« restless and inordinate ambition! O! tame and
« feeble Cervantes, with what a timid pencil and
« faint colours have you painted the portrait of a
« disordered imagination! »

Finding that he and his friends were now reduced to a scanty minority, and that their further opposition to the direful contest was unavailing, he seceded from public business during the greater part of its continuance, leaving the minister to triumph by means of the majorities in his interest. His retirement was, however, marked by having one further honour conferred on him. He had already opposed himself to popular delusion, and he was now singled out as the victim of royal displeasure, for by the express command of the Sovereign, his name was struck out of the list of privy counsellors, an event which never occurred before in the present reign, and was only once exercised during the last, with respect to a nobleman* accused of cowardice and disaffection.

We are not to imagine that Mr. Fox remained inattentive to the general interests of the Empire, throughout a conflict in which all the powers of Europe took a part. As the eyes of the English nation began gradually to perceive the folly of the warfare they were carrying on, and the impossi-

* Lord George Germaine.

bility of ever attaining the grand object the Ministers had in view, of replacing the Bourbons on the throne, or dismembering France among the combined powers, he made his appearance in the House and repeatedly brought forward motions for the purpose of opening a negotiation with the enemy. But such was the arrogance, such the obstinacy of the Administration, that rather than listen to conciliatory propositions or agree to reasonable terms, they prolonged the contest even after a national bankruptcy threatened the nation with beggary and ruin, until every source of national prosperity was nearly dried up, until the treasures of Great Britain had been exhausted in subsidies to foreign powers, and herself deprived of her dearest birthrights. Then, and not before, was the force of Mr. Fox's prediction felt; soon after which he came down to the House and sanctioned the peace of Amiens. It was hoped that, as Mr. Fox had been the first man who had pointed out the impolicy and injustice of the war, and had frequently proposed a negotiation during its continuance, he would have been selected to have concluded the peace; yet though such was not the case, and though all his exertions in support of the declining freedom of his country had been termed by Mr. Addington and his colleagues, the movements of faction, so rejoiced did he feel at the cessation of hostilities, so much did his mind soar above the paltry prejudices of party, so incapable was he of returning the malignant shafts

which had been aimed at his breast, that he not only gave a firm, a hearty, and a cordial acquiescence to the peace, but thenceforth punctually attended his duty in the House, where he exerted his utmost efforts towards maintaining it. What has since followed is so much in the recollection of every man, that it is almost needless to add, not all the repeated warnings, not all the experience, not all the eloquence of Mr. Fox could prevent an imbecile and besotted Administration, from again plunging the country into all the horrors of war, whilst the wounds of the last were still bleeding. On this occasion the elevation of his mind, the splendour of his genius, is said, by those who were present, to have outrivalled even his former exertions: with all the fire of Demosthenes he inveighed against the mad and ruinous vote the House was called upon to assent to; he conjured its members by the manes of the many thousands of his countrymen who had fallen victims in the last senseless conflict, he conjured them by their wives, by their children, by their love of the country, to accept the offered mediation of Russia, and not commit the very existence of Great Britain to the chance of a die. He warned administration that they would be the first to repent of their own rash and misjudged measures, that they would be the first sacrifices to them. The minority who divided with Mr. Fox on this momentous question was no more, we believe, than seven members!!! So much had men suffered their understandings to be im-

posed upon by the false and hypocritical statements of ministers.

From this melancholy period Mr. Fox principally applied himself towards introducing some sort of order and regularity into those wild and incoherent measures of internal defence, to which ministers have had recourse in order to protect the country against the consequences of their own rashness and imbecility. Their incapacity and incorrigibility seem, however, at length, to be so generally admitted, that numbers of their partners in iniquity have already deserted their standards; many, we believe, from no other motive than that of sharing in the plunder of a new administration: with such men therefore Mr. Fox has been compelled to vote, but eager to prevent any stain which might attach to his character on this account, he has publicly declared that he has formed no coalition with them, that his conduct is influenced by no other motives than that which has unceasingly actuated it, a consideration for the welfare of his country.

At the present awful and momentous crisis, when the ignorant and inefficient prescriptions of the Political Quack Doctor seem to have excited as general a disgust at home, as they have provoked contempt and risibility abroad, every eye appears to look forward with anxiety to the choice of his successor. Many well wishers to their country, who have not been in the habit of comparing

causes and effects , and who ardently expect that to take place which they sincerely wish for , calculate very sanguinely upon Mr. Fox's occupying so distinguished a situation in the new ministry , that he will be enabled not only, by smoothing every jarring interest and opinion, to conclude a solid peace for his country, but by means of his known and tried integrity, to maintain it. The perspective is indeed beautiful , but experience and reflection , we are sorry to say, prove it illusory. When we take into consideration the numerous wars , in which Great Britain has been engaged , from what it has been the fashion to call the *glorious* revolution in 1688, down to the present time, we are compelled to acknowledge that they greatly outnumber the years of peace. The motives of these wars , however artfully disguised , experience has proved to have been founded on national aggrandizement , either of the riches , the territory, the commerce of other nations, or as was the case with America, and still is with the Indies, for the sake of subjugating other countries to its iron yoke , and thence applying to its own use with less difficulty , the wealth and industry of theirs. The most unprincipled and profligate ministers have consequently been chosen to conduct these wars ; but as their characters rendered them unfit for ending them, men of honour and integrity have been *until lately* called in for that purpose. History , however , proves the afflicting fact , that their reign has always proved as short as the good

they have done to their country has been great. It follows, therefore, from these considerations, that although it is possible Mr. Fox may be included in a new administration, it is beyond the verge of possibility to imagine he will be long continued in it.

In perusing the history of Mr. Fox's political life, from the period in which he so intrepidly opposed the American war down to the present time, we must feel more and more convinced that his inflexibility in the cause of liberty, the earnest support he has given to the rights of the people, his manifest hostility to all species of bribery and corruption, render him, of all others, the most unfit instrument the *secret cabinet* could employ to carry its purposes into effect.

There are some men, however, we believe, who styling *themselves* well wishers to their country, deluded by the phantom of *Utopian* liberty, and despising the lessons of experience, have not scrupled to arraign Mr. Fox as a mock patriot, as « a man the more dangerous », say they, « because he so well conceals his thirst of power under the mask of public good. » If we, however, bring these assertions to the surest test, that of experience, we shall find them most completely disproved. Mr. Fox undoubtedly formed a part of the coalition ministry; the question is, how he came to be discarded? « by the general detestation », say his adversaries, « he was held in by all the people of England. » What had he done to excite their detes-

tation? He had most energetically opposed the American war from the beginning to the end; as a strenuous assertor of the rights of his fellow men, he powerfully supported the peace which acknowledged the independence of that country; during the short period that he was in administration he acted up to his professions, and he never brought forward or sanctioned a single measure subversive of the rights of the people. Yet we are to be told he was detested by the people! We know full well that a great outcry was then raised against him, in order to blight his reputation, and cast suspicions on his rectitude, but as his public conduct had been purity itself, this senseless outcry could only have been prompted by his Majesty's *secret advisers*, who soon gave a proof of their further enmity and aversion towards him, by dismissing him from office.

When the war broke out with France in 1792, no doubt whatever can exist but that Ministers would have been glad to purchase the support of Mr. Fox's superior abilities almost at any price, and it appears indeed to be generally understood that such overtures were made and most indignantly rejected; we entertain no doubt of the fact, and it is notorious that so much was the royal displeasure excited against him at this moment, that the King was persuaded to strike his name off from the list of Privy Counsellors *with his own hand*. — Such then are the titles of Mr. Fox to the character of a *mock patriot*, such the

proofs of his thirst for power!!! But *his nunc præmium est, qui recta prava faciunt.*

Mr. Fox's political conduct certainly stands in need of no foil to set it off; yet undoubtedly, when compared with that of his great political adversary, Mr. Pitt, it shines in its most brilliant lustre. In the one, we behold an ambitious young man, profiting of his father's popularity, declaring himself the champion of the people's rights, and pledging himself to support a reform in the state of their representation in order to attain power; which, when once seated in possession of, he uses for no other purpose than to oppress and enslave the very people he had promised to protect. On the other side, we behold his rival, not pledging himself to any measures, but courageously defending the rights of the people within doors, and supporting them by his whole energy without. In place and out of place, ever actuated by the same motives, constantly with the same end in view. Sacrificing personal interest, private friendship, the favour of his sovereign, and on a most momentous question, even his popularity amongst his constituents. All—to the welfare of his country.

Justum et tenacem propositi virum
Non civium ardor prava jubentium,
Non vultus instantis tyranni
Mente quatit solidâ.

HORACE.

To sum up Mr. Fox's character in a few words,

he has never once , throughout the whole of his political career , swerved from the principles of rectitude and integrity, an observation that cannot be applied to any one leading member of the House besides. *

As an orator Mr. Fox is assuredly the first man of his age. He simplifies the most abstruse details, and reduces the most subtle positions to the test of reason. In his style the fire of Demosthenes is more perceptible than the elegance of Cicero.

Of the *private* life of this great orator , the public may be anxious to know a few authentic particulars. Except during the shooting season , when he visits Mr. Coke , &c. in Norfolk, he lives chiefly at St. Ann's-hill, near Chertsey. There he superintends the cultivation of his grounds , enjoys the pleasures of horticulture , and amuses himself in forming his shrubberies. To « the Rose , » the theme of the Persian Poets , he seems particularly attached ; for he has a parterre near his house , in which there are no less than thirty different species of this beautiful shrub. He also possesses a great taste for botany , and has been at infinite pains to render himself master of the Linnæan system.

* Some may perhaps think Mr. Grey and Sir Francis Burdett ought to form exceptions, but it must be recollected , that Mr. Grey has never been brought to the ordeal of power; and Sir F. Burdett, of whom we entertain a very favourable opinion , is not yet considered as a *leading* member.

In general, he rises about seven o'clock, mounts his horse instantly, rides to the river, and plunges into the Thames. He then returns to breakfast, which is over before ten. The forenoon is, for the most part, dedicated to his books, and is accordingly spent in study. Before dinner, he takes a walk or ride around the neighbouring villages, sits down to table a little after three o'clock, and lives well, and like a gentleman, without any appearance, however, of luxury or ostentation. After indulging in a few glasses of port or sherry, he retires with his guests about six to the tea-room, which presents a most delightful prospect in the summer season, and after a couple of dishes of coffee, a glass of *liqueur de la Martinique* is handed round to the company.

The evenings are usually dedicated to domestic entertainments. Ofttimes he reads, and then generally aloud; at other times he plays at some manly game on the lawn, or listens to the music of a favourite lady while fingering the *piano-forte*, or the pedal harp. The evening is not unfrequently spent at the HOLLAND, a charming octagon building, dedicated and inscribed to his nephew, Henry Lord Holland. From this building is to be seen a most luxuriant view of the surrounding country; but the eye is unwilling to roam abroad, as it is ornamented with beautiful paintings by the skilful hand of Mrs. Armstead.

While the hirelings of ministry are representing him as « plotting against the state, » he is, most

probably, perusing Homer in the original language of the immortal bard ; or the « conspirator » is, perhaps, dandling a child in his arms, or, peradventure, if it be in the summer season, playing at trap-ball on the grass !

In person, Mr. Fox is somewhat above the middling size, and, of late years, is rather inclined to be fat. His features, which are strongly marked, exhibit an appearance of shrewdness and ability ; and his eye, in the midst of debate, or the animation of an interesting conversation, flashes with fire.

No portrait has been oftener painted ; and he must be a very inaccurate artist, indeed, who cannot hit off the saturnine complexion, the piercing look, and the arched and bushy eye-brow of the great commoner. The chisel, as well as the pencil, has been employed in giving durability to his resemblance ; for a great number of busts have been executed, of late years, in marble, by * Nollekens ; and one in *terra cotta* has still more recently been finished by Merchant, as a model for a gem.

The following address to Mr. Fox is by one of the greatest scholars of the age :

* No less than thirty-two have been finished by this sculptor, at sixty guineas each, for the Empress of Russia, the Dukes of Devonshire and Portland, Lord Albermarle, &c. &c.

CAROLO JACOBO FOX

Quòd veram illam & absolutam eloquentiam
 non modò coluerit, sed cultam, qua potuit,
 ad Salutem Patriæ Dignitatemque tuendam contulerit;
 Quòd in suscipiendis sive amicitiiis, sive inimicitiiis,
 has semper voluerit Mortales
 habere, illas Sempiternas;
 Quòd Mente solida, invictaque permanserit in proposito,
 atque improborum spreverit minas;
 Quòd in Causa, quæ maxime popularis esse debuisset,
 Non populariter ille quidem,
 ut alii fecte et fallaciter populares,
 sed strenue ac fortiter versatus sit;
 Quòd denique, in foedissimo illo
 Optimi prudentissimique Senatus naufragio,
 Id demum, imò id solum,
 quod turpe esset,
 Miserum existimârit, atque adeò cum bonis
 Libere πολιτευτέον statuerit,
 potius quam periculose & simulate & cupide
 inter malos,
 Librum huncce ea, qua par est, Observantia.
 D.D.D.
 A. E. A. O.

JOHN HORNE TOOKE,

A. M.

To sacrifice fortune to principle ; to immolate ambition at the shrine of duty ; to offer up a man's best hopes and expectations , his health and his comforts on the altar of his country ; these are no common, no ordinary efforts: but when they are accompanied by fines, persecution, and imprisonment; when death and confiscation stare him in the face, our astonishment will naturally be increased , and common minds will be found to hesitate between wonder and approbation. Concerning men of this description , a future age will be eager in its inquiries, and it is befitting that the curiosity of the present should not be wholly disappointed. Indeed, there is no man existing in this country who possesses a fairer claim to be enrolled among its PUBLIC CHARACTERS than the subject of this memoir; and it is a matter of personal delicacy alone , on the part of the Editor who possesses ample materials , that has hitherto prevented him from detailing the particulars.

John Horne Tooke is the son of Mr. Horne , a respectable inhabitant of Westminster , who attained considerable opulence , and became well known as Treasurer to the Middlesex Hospital , a

noble and extensive charity, in the success of which his descendant, who is one of the governors, has always exerted himself with a kind of hereditary predilection. Young Mr. Horne enjoyed the best education that his native city, or perhaps any part of the kingdom, could afford, having been sent to Westminster school* at an early age, and no doubt meeting, while there, with all the equalizing gradations experienced in the vicinity of Dean's Yard, by the heir of a duke as well as by the son of a peasant; thus rising in *gradation* from the humble state of a *fag* to the dignity and consequence of an *upper boy*.

It was soon remarked that Horne possessed considerable talents and application; but these were only exerted on extraordinary occasions, for at other times he was rather indolent, and so *chary* indeed was he of his abilities and his industry, that he was often accustomed to employ lads of inferior capacity to perform his tasks for him. The question is still undecided as to the superior advantages of a public over a private education; but such as contend for the manly mind, the ingenuous manners, and the practical knowledge, excited, elicited, and diffused by the former, will doubtless be eager to add this to many other instances in behalf of their favourite hypothesis.

* The Editor has heard that, previously to this, he attended an academy in Soho Square, or its immediate neighbourhood.

Mr. Horne at the usual age removed to Eton , and soon distinguished himself among his contemporaries by the shrewdness of his remarks, the keenness of his wit , and the severity of his satire — satire never exerted but against what either was , or appeared to him to be , an abuse. From this celebrated school, the cradle of so many men of worth and talent, he was sent to Cambridge , and entered of St. John's College , in 1754.

In addition to his former character, he now added that of unabating industry, and , instead of giving himself up to the dissipation that too frequently characterizes and disgraces our two universities , and often induces parents to send their children for education either to Scotland or Germany , he applied himself to his studies with extraordinary assiduity. Even at that period he is supposed to have turned his thoughts towards the formation and construction of his native language, and to have meditated the plan , from which afterwards he derived so much celebrity in his ΕΠΕΑ ΠΤΕΡΟΕΝΤΑ *.

Mr. H. was destined by his family for the church, and this gracious mother appeared ready to stretch forth her willing arms to receive him ; indeed , he was wooed in no common form , for he soon enjoyed the immediate view of her choicest prefer-

* While at Cambridge Mr. Horne took the degree of A. M. and it is not a little remarkable that this was attempted to be withheld by Lord Mumford, a relation of the nobleman (Lord Temple) who afterwards opposed his sitting in the House of Commons.

ments; and, had it not been for the occurrence of some singular events, there can be but little doubt that he might at this moment have reclined at his ease within the stall of a golden prebend, or perhaps even have exhibited his mitred head with the Watsons, the Douglasses, and the Porteuses, in the cathedral of a diocese and the upper house of parliament.

Mr. Horne having entered into holy orders while yet a very young man obtained the living or *chapelry* of Brentford. But this was intended merely as a *debut*, for, as has been already hinted, fairer and better prospects were pointed out to him. His family possessed considerable interest, some of his relations enjoyed appointments at court, and one of them held a confidential situation about a great personage. In short, it was so contrived, that a certain Duke was to make a *nominal* application to his Majesty in his behalf, which was to be immediately followed by ecclesiastical preferment*. Matters were in this train, when some unexpected events of a public nature ensued, and dashed the yet untasted cup from his lips!

The commencement of his present Majesty's reign was such as seemed to augur the most happy prospects to the nation. William Pitt, Earl of Chatham, had carried the triumphant arms of Bri-

* Mr. Horne was promised that he should be appointed one of the chaplains to his Majesty, with a prospect of such other preferment as was sufficient to satisfy his wishes.

tain to the remotest quarters of the globe ; we were victorious in every sea , and both hemispheres acknowledged our superior skill , bravery, and good fortune. On the other hand , a young prince who justly gloried in being born a « Briton , » by contributing to the independence of the judges, already seemed to exhibit a wish to keep the fountain of public justice pure and unpolluted , and thus promised to become the guardian of that constitution, which his ancestors were called in , and he himself sworn , to protect. A sudden change , however, took place in his councils , and new men and new measures were resorted to.

This extraordinary event was accompanied by a correspondent impression on the part of the people, and the arbitrary arrest and imprisonment of Mr. Wilkes, then member for Aylesbury, by a general warrant , afterwards declared to be *illegal* , called forth the energies of the nation , and awakened a degree of jealousy that has never since been allowed to subside.

Mr. Horne was abroad when this occurrence took place ; but having imbibed the principles , and inherited the spirit , of an Englishman , his heart was alive to every thing that affected either the honour or the liberties of his country : perhaps the contrast witnessed by him , in the various states through which he passed during his travels , made his own still dearer to him , from the recollection that its boasted pre-eminence originated in , and could alone be preserved by , the freedom of its govern-

ment. During the subsequent exile of Mr. Wilkes he visited him at Paris ; and , when he was foiled in his attempt to represent the city of London in 1768 , Mr. Horne , at his own risk , opened houses for him at Brentford , supported his interests , procured him a multitude of friends , and finally enabled him to triumph , in consequence of being returned to Parliament as one of the knights of the shire for the county of Middlesex *.

It must be allowed , on all hands , that the private character of Mr. Wilkes was far from being immaculate ; his cause however was unexceptionable , and no man knew better than Mr. Horne how to discriminate between them , as may be seen from the following quotation :

« I was your friend only for the sake of the public cause : that reason does in certain matters remain ; so far as it re-

* « I found you , » says he , in a letter addressed to Mr. Wilkes in 1771 , after that gentleman had treated him with no common degree of ingratitude , « in the most hopeless state : an outlaw ; plunged in the deepest distress ; overwhelmed with debt and disgrace ; forsaken by all your friends , and shunned by every thing that called itself a gentleman , at a time when very honest men , who could distinguish between you and your cause , and who feared no danger , yet feared the ridicule attending a probable defeat.

« Happily we succeeded , and I leave you by repeated elections the legal representative of Middlesex , an alderman of London , and about thirty thousand pounds richer than when I first knew you ; myself by many degrees poorer than I was before ; and I pretend to have been a little instrumental in all these changes of your situation. »

mains, so far am I still your friend ; and therefore I said, in my first letter, « the public should know how far they *ought*, and how far they *ought not*, to support you. » To bring to punishment the great delinquents who have corrupted the parliament and the seats of justice, who have encouraged, pardoned, and rewarded murder ; to heal the breaches made in the constitution, and by salutary provisions to prevent them for the future : to replace once more, not the administration and execution, for which they are very unfit, but the checks of government really in the hands of the governed :

« For these purposes, if it were possible to suppose that the great enemy of mankind could be rendered instrumental to their happiness, so far the Devil himself should be supported by the people. For a human instrument they should go further ; he should not only be supported, but thanked and rewarded, for the good which perhaps he did not intend, as an encouragement to others to follow his example. But if the soul fiend, having gained their support, should endeavour to delude the weaker part, and entice them to an idolatrous worship of himself, by persuading them that what he suggested was *their voice—and their voice, the voice of God* :

« If he should attempt to obstruct every thing that leads to their security and happiness, and to promote every wickedness that tends only to his own emolument :

« If, when — the cause — the cause — reverberates on their ears, he should divert them from the original sound, and direct them towards the opposite unfaithful echo :

« If confusion should be all his aim, and mischief his sole enjoyment, would not he act the part of a faithful monitor to the people who should save them from his snares, by reminding them of the true object of their constitutional worship, expressed in these words of holy writ (for to me it is so), *Rex, lex loquens ; lex, rex mutus* ? This is — the cause — the cause — To make this union indissoluble is the only cause I acknowledge. As far as the support of Mr. Wilkes tends to this point I am as warm as the warmest :

but all the lines of your projects are drawn towards a different centre—yourself; and if, with a good intention, I have been diligent to gain you powers which may be perverted to mischief, I am bound to be doubly diligent to prevent their being so employed. »

Mr. Tooke's rupture with Mr. Wilkes soon after involved him in a dispute with the celebrated Junius, a name that will not be forgotten in this country while the English language continues to be that of the nation. In a letter addressed « to his Grace the Duke of Grafton, » dated July 9, 1771, Mr. T. is accused of apostacy, and the dereliction of all his former political principles. This assertion did not remain long uncontradicted, for in four days afterwards the memorable reply, beginning with « *Farce, Comedy, and Tragedy,—Wilkes, Foote, and Junius,* united at the same time against one poor parson, are fearful odds, &c. » appeared in the Public Advertiser. After alluding to the insinuations that had been thrown out in respect to his « new zeal in support of administration, » and professing « the utmost abhorrence to their measures, » he continues thus :

« You are bound to refute what I here advance, or to lose your credit for veracity. You must produce facts; surmise and general abuse, in however elegant language, ought not to pass for proofs. You have every advantage, and I have every disadvantage. You are unknown, I give my name: all parties, both in and out of administration, have their reasons (which I shall relate hereafter) for uniting in their wishes against me; and the popular prejudice was as strongly in your favour, as it is violent against the parson.

« Singular as my present situation is, » adds he, « it is neither painful, nor was it unforeseen. He is not fit for public business who does not, even at his entrance, prepare his mind for such an event. Health, fortune, tranquillity, and private connections, I have sacrificed upon the altar of the public; and the only return I receive, because I will not concur to dupe and mislead a senseless multitude, is barely that they have not yet torn me in pieces. That this has been the only return is my pride, and a source of more real satisfaction than honours or prosperity. I can practise before I am old the lessons I learned in my youth; nor shall I ever forget the words of my ancient monitor —

« 'Tis the last key-stone
 « That makes the arch: the rest then that were put
 « Are nothing till that comes to bind and shut.
 « Then stands it a triumphal mark! then men
 « Observe the strength, the height, the why and when
 « It was erected; and still walking under,
 « Meet some new matter to look up and wonder! »

In the rejoinder to this letter the wary Junius was for the first time thrown off his guard, for he talks wildly about the folly of professions, while he himself is fighting under a mask, and roundly asserts that Mr. Wilkes is to be supported « as long as he is a thorn in the King's side. » The keen searching eye of M. Tooke soon discovered the opening afforded him by his antagonist, and did not fail to take advantage of it.

« Sure this *Junius* », says he, « must imagine his readers as void of understanding as he is of modesty! Where shall we find the standard of his integrity? By what are we to measure the *conduct* of this lurking assassin? — And he says this to me, whose conduct, wherever I could personally appear, has been as direct and open and public as my words: I have not, like him, concealed myself in my

chamber to shoot my arrows out of the window ; nor contented myself to view the battle from afar, but publicly mixed in the battle and shared the danger.

« To whom have I, like him, refused my name upon complaint of injury ? What printer have I desired to conceal me ? In the infinite variety of business I have been concerned, where it is not easy to be faultless, which of my actions can he arraign ? To what danger has any man been exposed which I have not faced ? *Information, action, imprisonment, or death* ? What labour have I refused ? What expence have I declined ? What pleasure have I not renounced ? But Junius, *to whom no conduct belongs*, « measures the integrity of men by their conduct, not by their professions ; » himself all the while being nothing but *professions*, and those too *anonymous* ! The political ignorance, or wilful falsehood of this *declaimer* is extreme : his own *former* letters justify both my conduct and those whom his *last* letter abuses ; for the public measures which *Junius* has been all along defending were ours whom he attacks ; and the uniform opposer of those measures has been Mr. Wilkes, whose bad actions and intentions he endeavours to screen.

« Let Junius now, if he pleases, change his abuse, and, quitting his loose hold of interest and revenge, accuse me of vanity, and call this defence boasting. I own I have a pride to see statues decreed, and the highest honours conferred, for measures and actions which all men have approved ; whilst those who counselled and caused them, are execrated and insulted. The darkness in which Junius thinks himself shrouded has not concealed him ; nor the artifice of only attacking under that signature those he would pull down (whilst he recommends by other means those he would have promoted) disguises from me whose partizan he is.

« When Lord Chatham can forgive the awkward situation in which, for the sake of the public, he was designedly placed by the thanks to him from the city ; and when Wilkes's name ceases to be necessary to Lord Rocking-

ham to keep up a clamour against the persons of the ministry, without obliging the different factions now in opposition to bind themselves beforehand to some certain points, and to stipulate some precise advantages to the public; then, and not till then, may those whom he now abuses expect the approbation of Junius.

« The approbation of the public for our faithful attention to their interest, by endeavours for those stipulations which have made us as obnoxious to the factions in opposition as to those in administration, is not perhaps to be expected till some years hence, when the public will look back and see how shamefully they have been deluded, and by what arts they were made to lose the *golden opportunity* of preventing what they will surely experience—a change of ministers, without a material change of measures, and without any security for a tottering constitution.

« But what cares Junius for the security of the constitution? He has *now* unfolded to us his diabolical principles. As a public man, he must ever condemn any measure which may tend accidentally to gratify the sovereign; and Mr. Wilkes is to be supported and assisted in all his attempts (no matter how ridiculous and mischievous his projects) *as long as he continues to be a thorn in the King's side!*—The cause of the country, it seems, in the opinion of Junius is merely to *vex the King*; and any rascal is to be supported in any roguery, provided he can thereby plant a thorn in the King's side.—This is the very extremity of faction, and the last degree of political wickedness. Because Lord Chatham has been ill-treated by the King, and treacherously betrayed by the Duke of Grafton, the latter is to be the pillow on which Junius will « rest his resentment; » and the public are to oppose the measures of government from mere motives of personal enmity to the Sovereign!—These are the avowed principles of the man who, in the same letter, says, « if ever he should be convinced that I « had no motive but to destroy Wilkes, he shall then be « ready to do justice to my character, and to declare to the « world that he despises me somewhat less than he does

« at present! » Had I ever acted from personal affection or enmity to Mr. Wilkes, I should be justly despised; but what does he deserve whose avowed motive is personal enmity to the sovereign? The contempt which I should otherwise feel for the absurdity and glaring inconsistency of Junius is here swallowed up in my abhorrence of his principle. The *right divine* and *sacredness of kings* is to me senseless jargon. It was thought a daring expression of Oliver Cromwell, in the time of Charles the First, that if he found himself placed opposite to the king in battle, he would discharge his piece into his bosom as soon as into any other man's. I go farther; had I lived in those days, I would not have waited for chance to give me an opportunity of doing my duty; I would have sought him through the ranks, and, without the least personal enmity, have discharged my piece into his bosom rather than into any other man's.

« The king, whose actions justify rebellion to his government, deserves death from the hand of every subject. And should that time arrive, I shall be as free to act as to say. But till then, my attachment to the person and family of the Sovereign shall ever be found more zealous and sincere than that of his flatterers. I would offend the Sovereign with as much reluctance as the parent; but, if the happiness and security of the whole family made it necessary, so far and no farther, I would offend him without remorse. »

This celebrated letter* was dated July 31, 1771, and to it no *direct* reply was given; indeed Junius did not resume his labours until August 15, when he addressed an epistle—not to Mr. Horne, but to « the Printer of the Public Advertiser. » This circumstance is alluded to in Mr. H.'s *parting* letter, dated August 17, 1771, in which he says,

* It constitutes Letter LIII. of the collection published by H. S. Woodfall, in 2 vols. 12mo.

“I congratulate you, Sir, on the recovery of your wonted style, though it has cost you a fortnight. I compassionate your labour in the composition of your letters, and will communicate to you the secret of my fluency. Truth needs no ornament; and, in my opinion, what she borrows of the pencil is deformity.

“You brought a positive charge against me of corruption. I denied the charge, and called for your proofs. You replied with abuse, and reasserted your charge. I called again for proofs. You reply again with abuse only, and drop your accusation. In your fortnight’s letter there is not one word upon the subject of my corruption.

I have no more to say, but to return thanks to you for your condescension, and to a grateful public and honest ministry for all the favours they have conferred upon me. The two latter, I am sure, will never refuse me any grace I shall solicit; and, since you have been pleased to acknowledge that you told a deliberate lye in my favour out of bounty, and as a charitable donation, why may I not expect that you will hereafter (if you do not forget you ever mentioned my name with disrespect) make the same acknowledgment for what you have said to my prejudice? This second recantation will perhaps be more abhorrent from your disposition; but should you decline it, you will only afford one more instance, how much easier it is to be generous than just, and that men are sometimes bountiful who are not honest.

“At all events, I am as well satisfied with your panegyric as Lord Chatham can be. Monument I shall have none; but over my grave it will be said, in your own words, “Horne’s situation did not correspond with his intentions.”

“JOHN HORNE.”

From this contest the *recreant* Junius withdrew, not without some share of disgrace; and the writer who had foiled Sir William Draper, terrified Lord Mansfield, exposed the Duke of Grafton, and as-

sailed the throne itself with a torrent of reproach, felt for the first time the hand of a master.

Soon after this, new objects, and those of still greater importance, began to occupy the mind of Mr. Horne. The American war, that fruitful source of so many crimes and so many misfortunes, was now preparing to deluge one country with blood and another with corruption. Among the most strenuous opposers of this measure, no one displayed more zeal, more ability, or more information, than the subject of this memoir. He considered the « war » on our part as a flagrant act of injustice; and what was stated to be « rebellion, » he contemplated as a legal and constitutional resistance to oppression. Accordingly, when the skirmish at Lexington took place, he opened a subscription, and advertised in the public newspapers for the relief of our unfortunate brethren in America « basely murdered by the British troops. » No sooner had the present Mr. Pitt grown up to the age of manhood, and, like the Jewish legislator of old, got a glimpse of the *land of promise*, than he testified an equal degree of abhorrence, and expressed himself in language to the full as bold and decisive. Mark, however, the contrast, gentle Reader! the one rose to the very first offices in the state in consequence of his patriotism, and then forgot « the means by which he did ascend, » while the other was prosecuted by his Majesty's Attorney General, and committed to the King's Bench prison, where he suffered a long confinement.

All the avenues to clerical preferment being closed, and even the inclination perhaps annihilated, Mr. Horne had thrown off his gown, and *conceived* that he had become again a layman. He had accordingly resigned the chapelry of New Brentford, after having been in possession of it about eleven or twelve years, and now kept his *commons* regularly as a student of the Society of the Inner Temple *. For the profession of the bar no man, since the time of Lord Coke, has been better qualified either by nature or education, and no one has ever heard this gentleman speak, in public or in private, relative to questions, whether of technical import, or such as involve the objects of general justice, but must acknowledge that he would have made, what we have not possessed since the days of Glynn and Dunning, a great constitutional lawyer.

After his name had remained for a certain time on the books of the society the day for a *call to the bar* at length elapsed; indeed the usual period was shortened in consequence of the degree of A. M. which he had obtained while at the university of Cambridge. To the surprise of the world, however, the Benchers of that inn objected to his admission—not on account of any deficiency in respect to abilities—not for want of recommendation—not in consequence of any suspicion annexed to his

* Mr. Horne Tooke entered himself of the Inner Temple in 1756.

moral character, which has always been allowed to be unimpeachable—but because he had been in *holy orders*!

During a former period of our history, the clergy, being the only learned body of men in the nation, became the lawyers and the judges of the state, and to this very day the name * of one of the officers, and the *coifs* of all the Serjeants either on or off the bench, still testify the fact. Soon after the Reformation it became the policy of the times to separate the two professions, in such a manner that the all-grasping power of the church should not monopolize every thing both here and hereafter; but in the case of Mr. Tooke, a gentleman who had resigned his *preferment*, this policy ceased to operate, and the decision that secluded him from the operation of his functions in a new profession was considered as highly barbarous and unjust. Indeed, although secret influence had been recurred to on this occasion, the vote of the Benchers was not *unanimous*, and more than one of them have since been candid enough to declare that they were misled, and most heartily repented of their conduct.

Although Mr. Tooke had formally excluded himself from the pulpit, and was prevented by a harsh and violent resolution from appearing at the bar; although he did not possess a seat in parliament, either hereditary or elective, and was thus

* *Clerk* of the Court, from his being originally *Clericus*, or one in holy orders.

deprived of the usual means of announcing his opinions, yet his countenance and support were of considerable weight. This appeared evident on the coalition between Mr. Fox and Lord North; and it is not a little singular, that a Right Honourable Gentleman, during whose administration he was seized and tried for his life, with many circumstances of unexampled bitterness, after expressing the highest personal respect for him at a public meeting, actually conducted him to his carriage during a shower, and held his own hat over his head « for fear the winds of Heaven should blow too rudely, » declaring that he ought to be careful of the health of a man of such importance to the common-wealth!!!

In 1790 Mr. Tooke suddenly became a candidate for Westminster at the same time with Mr. Fox and Lord Hood who expected to be chosen without opposition *. On this occasion he did not de-

* The following is a copy of the memorable Petition presented soon after the election: it was of course considered by the Speaker as highly indecorous and scandalous.

« TO THE HONOURABLE THE COMMONS OF GREAT BRITAIN
IN PARLIAMENT ASSEMBLED.

« *The Petition of John Horne Tooke, Esq.*

« SHEWETH,

« *That* your Petitioner now is, and at the time of the last election for Westminster was, an elector for Westminster, and a candidate to represent the said city and liberty in the present Parliament. That in the said city and

clare his intentions until the very morning of the poll, when the following hand-bill made its appearance:

liberty there are seventeen thousand two hundred and ninety-one householders, rated in the parish books, unrepresented in Parliament, and without the means of being represented therein; although, by direct and indirect taxation, they contribute to the revenue of the state very considerably more than those who send a hundred members to Parliament. That at each of the three last elections for Westminster (viz. in 1784, in 1788, and in 1790) notoriously deliberate outrage, and purposely armed violence, were used; and at each of these elections murder was committed. That for these past outrages, as if there were no Attorney General, no government, and no legislature in the land, not the least redress has been obtained, nor the least punishment, nor even the least censure inflicted; nor has any remedy whatever been appointed, or attempted, to prevent a repetition of similar outrages in future. That at the election for Westminster a scrutiny was demanded in behalf of Sir Cecil Wray, which was granted on the 17th of May, 1784, and, with the approbation or direction of the then House of Commons, was continued till the 3d of March 1785, when a very small comparative progress having been made (viz. through the small parish of St. Anne, and not entirely through St. Martin's, leaving totally untouched the parishes of St. George, St. James, St. Margaret, St. John, St. Paul Covent Garden, St. Mary le Strand, St. Clement, and St. Martin le Grand) the said scrutiny was, by the direction or approbation of the House of Commons, relinquished without effect, after having lasted ten months, and with an expense to SIR CECIL WRAY of many thousand pounds more than appears, by some late proceedings in Chancery, to be the allowed average price of a *perpetual seat in the House of Commons*, where seats for legislation are as notoriously, &c. &c.

« TO THE ELECTORS OF WESTMINSTER.

« GENTLEMEN,

« I think it my duty on the present occasion to solicit your votes, to represent you in the ensuing Parliament.

« That, on the election for Westminster in 1788, there being an absolute and experienced impossibility of determining the choice of the electors by a scrutiny before the returning officer, a petition against the return was presented to the then House of Commons by Lord Hood, and another petition also against the return was presented by certain electors of Westminster; and a committee was consequently appointed, which commenced its proceedings on Friday, April the 3d, 1789, and continued till June 18th, 1789, when the committee, as able and respectable as ever were sworn to try and determine the matter of any petition, on their oaths, « Resolved: That from the progress which the committee have hitherto been able to make since the commencement of their proceedings, as well as from an attentive consideration of the different circumstances relating to the cause, a final decision of the business before them cannot take place in the course of the present session, and that not improbably the whole of the present Parliament may be consumed in a tedious and expensive litigation.—Resolved: That, from the necessary length of the proceedings, and from the approach of a general election, which must occur not later than spring, 1791 (nearly two years more) the prosecution of the cause, on the part of the petitioners, promises to be fruitless, as far as it respects the representation of Westminster in the present Parliament.—Resolved: That it be recommended to the petitioners to withdraw their petitions under the special circumstances of the case.» That, notwithstanding this extraordinary, and perhaps unparalleled application from a court of justice to its suitors, Lord Hood and the other petitioners having refused to withdraw their respective petitions, the proceedings of the committee continued

« The evident junction of two contending parties , in order to seize , with an irresistible hand , the representation of the city of Westminster, and to deprive you even of that shadow of election to which they have lately reduced you, calls aloud on every independent mind to frustrate such attempts, and makes me, for the first time in my life, a CANDIDATE.

till July the 6th, 1789, when a very small comparative progress having been made, the petitioners, from a conviction of the impossibility of any decision by the committee, were compelled to abandon their petitions , without any effect, or tendency towards effect, after a tedious and expensive litigation of three months and three days, and with an expense to the petitioning candidate of more than 14,000l.

« That, under these circumstances, as the Petitioner declined demanding a scrutiny before the returning officer, so is he compelled to disclaim all scrutiny before a Committee of the House of Commons ; for, although the act of the 10th of George II. by which the said committee is appointed, recites, in its preamble, that « Whereas the present mode of decision upon petitions, complaining of undue elections, or returns of members to serve in Parliament, frequently obstructs public business, occasions much expense, trouble, and delay to the parties, &c. for remedy thereof, &c.» yet it would be less expensive and less ruinous to the Petitioner to be impeached, even according to the present mode of conducting impeachments, and to be convicted too of real crimes, than to be guilty of attempting to obtain justice for himself, and the injured electors of Westminster, by the only mode which the new remedial statute of the 10th of George III. has appointed for that purpose, however well adapted that mode of decision may be to settle the disputed claims of the proprietors of small boroughs, for whose usurped and smuggled interests alone the framers of that bill, and of those bills which have since been built upon it, seem to have had any real concern.

« That by the 9th of Anne, chap. 5th, the right of elec-

“ I do not solicit your favour, but I invite you, and afford you an opportunity to do yourselves justice, and to give me an example (which was never more necessary) against the prevailing and destructive spirit of personal party, which has nearly extinguished all national and public principle.

tors (before unlimited by qualification in the objects of their choice) is restricted, in cities and boroughs, to citizens and burgesses respectively, having an estate, freehold or copyhold, for their own respective lives, of the annual value of three hundred pounds above reprises. That this very moderate restriction, however vicious in its principle, leaving all citizens and burgesses eligibly possessing life-estates, freehold or copyhold, of the annual value of three hundred pounds, will henceforth serve only as a snare to the candidate, and a mockery of the electors, if such candidate, possessing a life-estate of three hundred pounds a year, must expend fifty thousand pounds (and there is no probable appearance that a hundred thousand pounds would be sufficient) in attempting, by a tedious, expensive, and ineffectual litigation, to sustain the choice of his constituents, and to prove himself duly elected.

“ That though your Petitioner complains (as hereby he does) of the undue election and return of Lord Hood, and the Right Hon. Charles James Fox, to this present Parliament, for the city and liberty of Westminster, yet is your Petitioner, by a persecution and proscription of more than twenty years, disabled from making that pecuniary sacrifice, which by the present new mode of investigation is (and ought not to be) necessary effectually to prove such undue return; and yet your Petitioner fully trusts, that notwithstanding a very great majority of the House of Commons (for so it continues to be styled) are not, as they ought to be, elected by the and must therefore naturally and necessarily have a against a fair and real representation of the people, yet your Petitioner fully

« The enormous sums expended, and the infamous practices at the two last elections for Westminster—open bribery, violence, with the scandalous chicane of a tedious, unfinished, and ineffectual scrutiny, and a tedious unfinished, and ineffectual petition—are too flagrant and notorious to be denied or palliated by either party; and the only refuge of each has been to shift off the criminality upon the other. Upon whom and how will they shift off the common criminality, equally heavy on them both, that neither of them has made even the smallest attempt, by an easy, parliamentary, and constitutional method, to prevent the repetition of such practices in future?

« If the revenue is threatened to be defrauded in the smallest article, law upon law, and statute upon statute, are framed from session to session without delay or intermission. No right of the subject, however sacred, but must give way to revenue. The country swarms with excisemen and informers to protect it. Conviction is sure—summary, speedy;—the punishment—outlawry and death. Where, amongst all their hideous volumes of taxes and of penalties, can we find one solitary single statute to guard the Right of Representation in the people, upon which all the Right of Taxation depends?

« Your late representatives, and your two present constituents, that he shall be able to lay before a committee, chosen and sworn to try and determine the matter of this petition, evidence of such a nature as the committee will, on their oaths, think proper to report to the House, some resolution, or resolutions, other than the determination of the return; and that the House will make such order thereon as to them shall seem proper. And your Petitioner doubts not, that, as an elector at least, he shall in consequence receive such redress, as will be much more important to him, and to the electors of Westminster, than any determination of the return.

« JOHN HORNE TOOKE.»

didates, have, between them, given you a complete demonstration, that the rights of electors (even in those few places where any election yet appears to remain) are left without protection, and their violation without redress. And for a conduct like this, they who have never concurred in any measure for the public benefit, they who have never concurred in any means to secure to you a peaceable and fair election, after all their hostilities, come forward hand in hand, with the same general and hackneyed professions of devotion to your interest, unblushingly to demand your approbation and support!

« Gentlemen, throughout the history of the world down to the present moment, all personal parties and factions have always been found dangerous to the liberties of every free people, but

THEIR COALITIONS,

unless resisted and punished by the public, certainly fatal. I may be mistaken, but I am firmly persuaded, that there still remains in this country a public both able and willing to teach its government, that it has other more important duties to perform besides the levying of taxes, creation of peerages, compromising of counties, and arrangement of boroughs. With a perfect indifference for my own personal success, I give you this opportunity of commencing that lesson to those in administration, which it is high time they were taught. The fair and honourable expences of an election (and of a petition too, if necessary) I will bear with cheerfulness. And if, by your spirited exertions to do yourselves right, of which I entertain no doubt, I should be seated as your representative, whenever you shall think you have found some other person likely to perform the duties of that station more honestly and usefully to the country, it shall without hesitation be resigned by me with much greater pleasure than it is now solicited.

« I am, Gentlemen,

« Your most obedient servant,

« *Wednesday, June 16.*

JOHN HORNE TOOKE.»

Mr. Tooke was not successful on the present occasion ; yet , when it is recollected that he possessed neither hereditary nor parliamentary interest ; that he was supported by none of the great aristocratical families , who arrogate an influence in Westminster , but , on the contrary , had all their weight and consequence , in addition to that of the army , the navy , the public offices , in short , the existing government , and even the opposition , to cope and contend with , this stand of a private individual , on his own character alone , must be allowed to have been memorable.

During a subsequent contest , when Sir Allan , now Lord Gardener was the ministerial candidate , Mr. Tooke displayed his usual abilities , and experienced a similar result as before. Such , indeed , was the poignancy of his satire , that the gallant Admiral , who certainly did not come forward in the character of an independent man , whether his sinecure in the marines , or his immediate employment in the navy , be recollected , appeared confused and appalled ; and the brave veteran , who had never shrunk from a contest with the foes of his country , seemed overawed and crest-fallen in the presence of so superior an antagonist *.

* The following is one of the speeches delivered from the Hustings upon this occasion ; and , when sufficient allowance is made for the warmth of an election harangue , must be considered as not ill adapted to produce effect.

« I have more satisfaction from this day's poll than all the days that are past ; not because I have polled a greater num-

But to return to the Westminster election of 1790.

ber of votes, but because my poll continues steady. This poll shews a steady people; and the steadiness of that people is of more consequence than the gaining of any election. You have this day thrust down the Admiral one step. The Admiral tells me it is a very small step: it appears therefore he does not value very much being in your esteem. I trust you will go on, and give him an opportunity to shew the excellence of his temper by trying how he will bear to be put down the other step.

«The Admiral has said nothing to you this day but to return you thanks which he does not owe, for the numbers upon the poll are notoriously not given to Sir Allan Gardner, but to Mr. Pitt, the minister.

«The Admiral told you the other day (with what decorum you will consider) that he should much rather choose to be returned your representative in Parliament (which is merely a political situation) he would much rather choose to be returned with the Right Honourable Gentleman than with the other candidate, although at the same time he declared that he disliked the politics of the said Right Honourable Gentleman. He did not however add a single word of disparagement of the other whom he rejected as a colleague. I do not think he can. But if he can, or if those who sent him here can, I should be glad to hear it; and I think, after such a voluntary and uncalled-for declaration, he owes it, in his own justification, to you.

«In the mean time, I am left to find out the reason of his preference from the expressions which he has used. I am compelled to suppose that the Baronet's reason is contained in the two words *Right Honourable*, for with these words he graced that Gentleman's name. A title before a name may be a very natural motive for a Baronet's preference in the choice of his colleague, but I will endeavour very shortly to convince you, that it would be a

Mr. Tooke, notwithstanding a considerable majority in favour of Mr. Fox, presented a petition

very bad motive for you in the choice of a representative, and I shall do it with greater satisfaction to myself, because Mr. Fox has a much better, and a much more solid claim to your support; I mean that very opposition to the minister which the Baronet dislikes!

« In this country, if any of you have been at the parade, or at a review, you have seen the commanding officers standing gallantly before their men (as the candidates do here upon the hustings) and giving the word of command in front; you are egregiously mistaken however, if you suppose they do the same in time of action. No, Gentlemen; they then give the word of command from behind! This will always be the practice in all other services as well as the military, so long as favour, and birth, and title, and parliamentary corruption, and money, promote men to superior offices. The higher their station, the safer in time of action will be their situation.

« Now then, Gentlemen, look at the conduct of that enemy, from whom you may learn some other things more useful than the Telegraph which we have adopted: with them superior merit and bravery alone promote their private men from the ranks, and place them in command, and even at the head of armies. See the never-failing consequence of this practice in their last brilliant victory at Lodi, when a column of their bravest grenadiers were for a moment stopped, and hesitating at the furious cannonade of the Austrians, six of their generals rushed foremost at the head of the column, gave their command, and (what was better) their example, in *front*, and victory immediately followed.

« You, Gentlemen, the electors of Westminster, and all the other electors throughout England will do well to consider, and to ask yourselves these questions: In our present cruel struggle between Liberty and Slavery, who are the persons starving for want of bread? To whom do

against that gentleman; and on this having been declared « frivolous and vexatious » by a committee, a demand was made on the petitioner for certain damages * which were supposed to have ensued in consequence of his appeal to the House

the ministry propose a substitute for bread? Who are the persons oppressed, beggared, dishonoured, vilified, and ruined? Who are languishing and rotting in their gaols? [*A voice from the crowd said, Horne Tooke.*]—It is true, I have been frequently in prison; but at present I had forgotten myself, I was thinking only of you. I wish you to consider, who are sentenced to be flogged to death, or are tortured (the cruellest of all torture) with putrid diseases in their prisons? Who are sent as felons to Botany Bay? Who are cast into dungeons, and treated and tried as traitors? [*Many persons present exclaimed, « The People! »*]—Gentlemen, you say true. It is so. It is we; we the privates in the ranks. Where all this while were our political Generals? Where were our Right Honourable and Honourable Representatives? Behind, safe in the rear, reposing on their beds of pension and privilege. Gentlemen, believe me, you cannot possibly have the smallest chance, you cannot reasonably even entertain the smallest hope of success, unless at your elections you pass by these Lords and Lordships, these Barons and Baronets, and choose for yourselves Representatives amongst the Privates in the Ranks. »

* Mr. Garrow stated for the plaintiff, in the Court of King's Bench, « that this action was brought to recover the sum of 198l. 2s. 2d. the taxed costs of a petition which had been presented by the defendant to the House of Commons, and which by a committee of that house was voted *frivolous and vexatious.* » To this declaration the defendant pleaded, that he owed nothing to the plaintiff, and thereupon issue was joined. Mr. Erskine, another of the plaintiff's counsel, after observing that the act did not entitle

of Commons. This matter was at length referred to the courts below, and a trial of course took place in the King's Bench, which proved not a little memorable on account of the circumstances that attended it.

Mr. Tooke, who acted on this as on other occasions without recurring to the aid of counsel, addressed the jury in a long and able speech, in which he endeavoured to impress on their minds, that there were only three efficient and necessary parties in the present cause: Mr. Fox, the plaintiff; himself, the defendant; and themselves, the gentlemen of the jury. « The judge and the crier of the court, » added he, « attend alike in their respective situations, and they are paid by us for their attendance: we pay them well; they are hired to be the assistants and reporters, but they are not, and they were never intended to be, the controllers of our conduct. » This was not a trial, he observed, between Mr. Fox and him about the trifling sum of two hundred pounds; that was by no means the ultimate object: a great and important national right was at stake; the last and only security which the full-grown corruption and iniquity of the times had left to the people of the land for their lives,

them to enter into a discussion of the merits, called Mr. Dunn, who proved that the warrant, containing a certificate of the expenses, had been signed by the Speaker of the House of Commons: an examined copy of the Journals of the House was also produced, by way of ascertaining that the petition had been voted *frivolous and vexatious*.

their liberties, and their fortunes; this last and only security, « a real trial by a jury of our countrymen, is now attempted to be wrested from us. »

After entering into a variety of curious and interesting details relative to the two prevailing parties of the day, which a change of circumstances and of times precludes the necessity of dwelling on with an invidious pertinacity, Mr. Tooke complained of the crimes implied in the words « frivolous and vexatious, » invented in 1789, the judgment and application of which were reserved for another tribunal: this action of debt he considered as a penalty for the commission of a new offence; the act itself, he said, was a *spring-gun*, and spoke plain language, not to be misunderstood: « Tread not near our boroughs, for woe to the man in future who shall be caught in our traps, *our frivolous and vexatious traps!* »

After a variety of pointed animadversions, the defendant read his Petition to the House of Commons, and then produced a very apposite passage from Blackstone's Commentaries on the trial by jury, concluding an able and elaborate speech in nearly the following words:

« Now I desire you will reflect what proofs of the debt have been brought before you? An examined copy of the Journals of the House of Commons, and the Speaker's certificate, have been produced. But what are you to try and examine? The Speaker's certificate? If the Speaker's certificate is sufficient to take away our property, why should not the Speaker's certificate be followed by an execution? What occasion is there to call a jury together to try nothing,

and yet to make them solemnly swear to try *well and truly*? I ask again, unless it was for the purpose of perjuring a jury, why might not the execution have immediately followed the Speaker's certificate as well as your verdict? Why? there was no reason upon earth but one. It was done to colour the transaction. They are not yet quite ripe enough to strip from us at once (and let us know it at the time) our right to a trial by jury. But they have completely done it in effect. They have left us the jury, but taken away the trial!

« They have, by a subterfuge, taken away the trial, which is the important part, and left us the jury, which, without trial, is a mere mockery.

« As men then, as Englishmen, as Christians, or if you have any sense of any other tie or religion, you are compelled to pay a sacred regard to that oath which you have sworn; *that you will well and truly try*, and that your verdict shall only be in consequence of having well and truly tried the merits of the question. Where crime is the question, the jury must judge of the guilt charged, and of its extent: and in actions for property, they must judge whether any thing is really due, and to what amount; for if the jury are not to try, and decide upon the whole merit of the question before them, no man in this country can be safe in life or property for ever hereafter. Gentlemen you are all strangers to me. You ought to be, and I believe you to be, twelve good and honest men: and if you are so, and act and do your duty accordingly, I will venture to say that you will sleep this night more happily, and with more satisfaction, than ever you slept in your lives.»

Such an impression did this speech make on the jury, although it was, as the lawyers term it, *in the very teeth of an act of parliament*, that they could not agree in their decision while in court, but retired to consider of it; and, after an interval of

four hours and twenty minutes, returned *a verdict for the plaintiff*.

“ Thus ended a cause ,” according to a periodical work of that time , “ which will be equally memorable , on account of the circumstances that gave rise to , and those which accompanied it ; a cause , in the course of which the defendant , in the first common law court in the kingdom , and in the face of the whole world , accused a Judge of the denial of justice , the two great parties in the kingdom of a wretched struggle for the sordid and precarious enjoyment of power , place , and emolument , and a House of Commons of England of gross and flagrant corruption .”

At the commencement of the revolution in France , a new order of things took place in this country as well as in that . There , every member of the state was relaxed and palsied ; here , they were perhaps attempted to be stretched to an unusual and unnatural degree of tension : in both , “ terror ” soon became *the order of the day*.

A number of societies at that period existed among us , the end and aim of which were professed to be parliamentary reform ; a cause abetted , invigorated , and supported , by the masculine talents of the very gentleman who at that time held the reins of government under the title of Chancellor of the Exchequer . These societies now became the objects of ministerial jealousy . Plots being reported to have been hatched by them , in order to subvert the executive government , and extinguish the monarchy , associations for the support of the state were entered into , the *Habeas Corpus* bill was suspended , and the Tower was ac-

tnally fortified ! In addition to this, warrants were issued with the same profusion here as *Lettres de Cachet* had been in France under the despotic sway of the house of Bourbon ; and Mr. Tooke, among others, was taken prisoner at his house at Wimbledon, his papers were sealed up, and he himself committed a close prisoner.

For delinquents of this description the ordinary course of law was considered as too slow in its process, and accordingly, on the 10th of September 1794, A SPECIAL COMMISSION of Oyer and Terminer was issued. On Thursday, October 2, it was opened at the Sessions House, Clerkenwell, in the presence of Sir James Eyre, Knight, Lord Chief Justice of the Common Pleas, Sir Archibald Macdonald, knight, Chief Baron of the Court of Exchequer, &c. The speech of the former of these Judges to the Grand Jury on this occasion has been severely stigmatised, as tending to renew the odious and long since exploded doctrines of *cumulative and constructive treasons*, which criminate by *innuendo*, and would inflict punishments for *implied* guilt.

On Monday, October 6, the Grand Jury found a *true bill* against all the prisoners except one *. On the 13th the Solicitor to the Treasury delivered to each of them a copy of the indictment, a list of the jurors impannelled by the Sheriff, and of the witnesses to be produced on the part of the crown ; on the 24th they were removed by *Habeas Corpus*

* Thomas Lovett.

to the Tower, and on the 25th they were arraigned before Lord Chief Justice Eyre, and severally pleaded *not guilty* to the indictment which charged them,

1. With withdrawing their allegiance from the King:

2. With endeavouring to excite rebellion and war against his Majesty, in order to subvert and alter the legislature, and depose his said Majesty:

3. With preparing and composing certain books, resolutions, and instructions, and traitorously causing and procuring the same to be published:

4. With maliciously and traitorously procuring and providing arms and offensive weapons, to wit, guns, muskets, pikes, and axes, to levy and wage insurrection and rebellion against our said Lord the King, &c.

On Monday, November 17, the trial of Mr. Horne Tooke came on, and continued during that and the five following days.

Soon after Mr. Tooke's being brought to the bar, he was allowed to sit near his counsel, in consequence of what he would not term an «indulgence,» but a «right.» When several of the jury wished to be excused on account of ill health, this excuse was supported by the prisoner, who addressed the bench as follows:

«I, for my part, hope, that no infirm gentleman shall be taken upon this jury, because I had rather die where I stand than consent that the jury and the judge should quit this place till the cause is gone through. I do therefore beg

that the jurors may be men in health, that they may not suffer in doing their duty, but that I may be the first victim. The law never intended that the crime of high treason, which ought to lie in the palm of your hand, should take up five days in the proof; therefore I beg your Lordship will be so good as to let me die in this place, rather than that the whole criminal law and practice of this country should be destroyed.»

The Solicitor General, in a speech of *several hours*, endeavoured to maintain « the existence of a plot to subvert and alter the legislature, rule, and government of the kingdom, and to depose the King from his royal state, power, and government. » A variety of papers were produced; the books of the Society for Constitutional Information were brought forward, and its secretary, and a number of other witnesses were examined at the bar: but nothing was adduced that exhibited even a shadow of either conspiracy or guilt! On the contrary, the innocence of the prisoner became conspicuous, and he himself was so much at ease, notwithstanding a very bad state of health, that he afterwards declared, in the presence of the narrator, « if the song which was brought forward on the trial of Mr. Hardy had been produced against him, he was determined to have *sung it*; for, » added he, « as there was no treason in the *words*, I should have left it to a jury of my countrymen to have declared, whether there was any in the *tune*! »

Mr. Erskine, in a very able and eloquent speech, asserted it to be the office of the jury to decide

whether the record, *inseparable in its members*, was true or false. « My whole argument has only been, and still is, » said he, « that the intention against the King's life is the crime, that its existence is matter of fact, and not matter of law, and that it must therefore be collected by you, Gentlemen of the Jury, instead of being made the abstract result of a legal proposition, from any fact which does not directly embrace and comprehend the intention which constitutes the treason. »

The reply on the part of the Attorney General was more remarkable for its *length* than its effect. One memorable circumstance however occurred, for that officer of the crown, who now presides in a much higher department, appears on this occasion to have surrendered the long contested point about *royal inviolability*, as he asserted (at least according to the printed trial *) « that if the King were to take a different parliament than what the law and constitution of England had given him, *he ought to lose his life; and I trust,* » added he, « *would be willing to lose his life rather than act contrary to his coronation oath.* »

On this Mr. Tooke, with his usual readiness, exclaimed, « What! is the Attorney General talking treason? I should be unhappy to mistake you (addressing himself to Sir John Scott) — Did you say

* See « The Trial of John Horne Tooke, for High Treason, at the Sessions House in the Old Bailey, &c. taken in Short-hand by Joseph Gurney. » 2 vols. 8vo.

the King ought to lose his life if he took any other parliament? »

After the merits of the cause had been fairly, fully, and amply canvassed, Mr. Tooke called a number of respectable persons to testify to his character, both public and private, for a series of years, and the jury, having withdrawn for only *eight minutes*, delivered in a verdict of *not guilty* by their foreman, to the evident satisfaction of the audience, as well as of the populace, with which the adjoining streets were crowded.

As soon as a calm had ensued, Mr. Tooke addressed himself to the court, and observed, « that his mind was better formed to feel and to acknowledge kindness than to solicit it. »

« To prevent the prosecution of other persons for libel, » said he, « I myself have suffered prosecution for high treason: I return your Lordship thanks: I return my counsel thanks, my noble friend Mr. Erskine, who has been so nobly supported by Mr. Gibbs; and you, gentlemen of the jury, I return you my thanks. I am glad I have been prosecuted; and I hope this will make the Attorney General more cautious in future: he said he would have no treason by construction; and there is no suspicion against me but by construction and inference. »

The conduct, ability, eloquence, and innocence of this gentleman, when added to his acknowledged worth, his high character, his respectable appearance, and his long, rigorous, and, as it may be now fairly inferred, his unjust imprisonment, produced a marked impression even on his enemies. Many of his friends burst into tears, and

even some of the minions of power, forgetting themselves for a moment, testified an involuntary joy at his deliverance.

Having hitherto considered Mr. Tooke in the character of a statesman and politician only, it now becomes necessary to say something of him as an author and a man of letters.

During his imprisonment in the King's Bench, on account of his attack on a ministry of whose conduct and principles its surviving partisans cannot now reflect without blushing, and on a war allowed by its successors to be both impolitic and unjust, Mr. Tooke applied himself once more to the study of philology, and evinced how well he was calculated to discuss this subject, in « a Letter to John Dunning, Esq.» afterwards Lord Ashburton*.

After an interval of a few years appeared « the Diversions of Purley†, » so called from being written at Purley, the seat of Mr. Tooke, a very respectable gentleman, whose name he has adopted

* This year (1778) the Rev. Mr. Horne published his « Letter to Mr. Dunning, on the English Particle. » Johnson read it, and, though not treated in it with sufficient respect, he had candour enough to say to Mr. Seward, « Were I to make a new edition of my Dictionary, I would adopt several of Mr. Horne's etymologies: I hope they did not put the dog in the pillory for his libel; he has too much literature for that. »

Boswell's Life of Johnson, vol. ii. p. 266.

† The first edition was published in 1786.

in addition to his own. In this work he displayed an uncommon fund of genius and erudition, and stamped his character as the first philologist of the age. Even the zealots of despotism, who detest his politics, cannot refuse an unwilling assent to this unequivocal display of his talents.

In 1787, when the nation was alarmed with the intelligence of the union of a great personage with a lady supposed to be of the Roman Catholic persuasion, * appeared « a Letter to a Friend, on the reported Marriage of his Royal Highness the Prince of Wales, by Mr. Horne Tooke. » On this occasion it was humorously remarked, « that the author, after amusing himself with a number of critical discussions during the preceding summer, on the subject of nouns, pronouns, adverbs, and prepositions, in order to give a variety to his studies during the present, had taken a *political* but very *uncourtly* view of the nature, the extent, and the true signification of the *conjunction copulative*. »

Mr. Tooke on this occasion saw reason to attack the policy, the propriety, and the justice of the celebrated marriage-act, and ridiculed the idea, « that a beautiful English woman is unworthy to be the companion of an English Prince, » as a degrading notion, unknown to, and unpractised by our ancestors. In the course of his attack on the 12th of George III. which passed some time after the marriages of their Royal Highnesses the Dukes of Glou-

* Mrs. Fitzherbert.

cester and Cumberland, he allows it to be « an act of parliament, » but denies it « to have the *smallest force of law*; » for, adds he, « there are acts of parliament which are not LAWS. » He then instances « an act passed but a few years since, which directed the justices of the peace to take *forty* shillings out of *twenty*. « Could this act, » adds he, « be a law? » Certainly not (any reader but a *very uncommon one* will reply) while the absurdity that had thus crept into it continued to exist, and thus far the act alluded to was, to all intents and purposes, a *dead letter*, till the removal of the mistake by a subsequent act, founded on the same principles as the former, but free from that palpable error which, *prima facie*, rendered it for a time a legislative *nonentity*. » In order to sanction and elucidate this doctrine, he recurred to the opinion of Lord Coke in the case of Bonham, in which that great lawyer observes : « it appeareth in our books, that in many cases the common law doth control acts of parliament, and sometimes shall adjudge them to be void ; for when an act of parliament is against common right and reason, or repugnant and impossible to be performed, the common law shall control it, and adjudge such act to be void. »

While treating on a subject, which in consequence of subsequent events has long since ceased to be interesting, and which we now notice merely on account of the celebrity of the author, he freely talks about « persons from the *stable*, the *gaming-*

house, and the *counting-house*, who absurdly imagine that they have only to pass an act, and that such act will, or ought, or can, bind the subject in all cases whatsoever. » He also observes that « he should be more than willing, even anxious, to barter the papist marriage for the responsibility of counsellors, and the independence of the representative body; being much more easily contented to trust the sovereign with a PAPIST WIFE than with a CORRUPT PARLIAMENT, although, » adds he, « some consciences I know will be straining at a gnat, and popery is now become no more, whilst they gulp down greedily the camel of corruption, which is now become a monster. »

In 1788 appeared « TWO PAIR OF PORTRAITS, presented to all the unbiassed Electors of Great Britain, and especially to the Electors of Westminster. By John Horne Tooke, an Elector of Westminster. » On this occasion Mr. Tooke himself will perhaps now allow, that he painted Mr. Pitt with *too fanciful a pencil*, while at the same time he distorted the features of a great commoner, who has acted of late in such a manner as doubtless to attract his applause, and washed away the remembrance of the ever to be deplored coalition with the *ostensible* author of the American war, by a life devoted to the service of his country.

In 1798 appeared the second edition of his celebrated work, entitled ΕΠΕΑ ΠΤΕΡΟΕΝΤΑ, or the Diversions of Purley, with the following dedication :

TO THE UNIVERSITY OF CAMBRIDGE,

ONE OF HER GRATEFUL SONS, WHO ALWAYS CONSIDERS ACTS OF VOLUNTARY JUSTICE TOWARDS HIMSELF AS FAVOURS *, DEDICATES THIS HUMBLE OFFERING: AND PARTICULARLY TO HER CHIEF ORNAMENT FOR VIRTUE AND TALENTS, THE REVEREND DOCTOR BEADON, MASTER OF JESUS COLLEGE.

We are now to consider Mr. Tooke as a legislator. It has been already stated, that he had stood twice, and been twice unsuccessful, in his contest for the city of Westminster; it so happened, however, that early in 1801 he was elected to represent Old Sarum, in the county of Wilts. This ancient and decayed borough, is said to be under the influence of a noble Lord, nearly related to Mr. Pitt, and brother-in-law to Lord Grenville; it therefore excited no small degree of surprise when Mr. Tooke, who had been imprisoned and tried

* Notwithstanding the additional authority of Plato's despicable saying, *Cum omnibus solvam quod cum omnibus debeo*; * the assertion of Machiavel, that *Nessuno confesserà mai aver obligo con uno che non l'offenda* **: and the repetition of it by Father Paul, that *Mai alcuno si pretende obligato a chi l'abbia fatto giustizia, stimandolo tenuto per se stesso di farla* ***; are not true. They are not true either with respect to nations or individuals; for the experience of much injustice will cause the forbearance of injury to appear like kindness.

* *Senec. de benefic. lib. vi.* ** *Discor. lib. i. c. xiv.*

*** *Opinione de Trea. Prol.*

for his life during their administration, took the oaths and his seat in the House of Commons, on Monday, February 16, 1801; and this was in no degree abated by the *friendly greetings* of the new Speaker, as it was in the remembrance of every one, that three years had not elapsed since the right honourable and learned gentleman had endeavoured, in a speech of five hours, to subject the new member to all the penalties of high treason!

On the very same day that Mr. Tooke occupied his seat for Old Sarum, Lord Temple, son of the Marquis of Buckingham (a nobleman supposed also to exercise a species of *patronage* similar to that of his noble relative Lord Camelford), rose and said, « that in consequence of having seen a gentleman sworn in, whom he considered as not legally qualified to sit in that house, if no petition was presented against his election, he conceived it to be his duty to move the house to take the return into consideration.»

On Thursday, February 19, when Mr. Sturt made his motion relative to the failure of the Ferrol expedition, Mr. Tooke spoke in favour of an inquiry with equal temper and ability. He observed, that he was astonished when an attempt of this kind was endeavoured to be resisted, more especially at a time « when the House of Commons was so ready to sit in judgment on the borough of Old Sarum, and the representative eligibility of an *old priest*. » Towards the conclusion he begged leave, with his usual humour, to ask « what kind

of infection he could produce in that house? and whether a quarantine of thirty years was not sufficient to guard against the infection of his original character? »

Mr. Tooke did not remain an idle member, but took every opportunity to express his sentiments in an open and manly manner, without any reference to party or connection. On the 5th of March, on the second reading of the new « poor relief bill, » originally proposed by the Duke of Bedford, and rejected by the Commons because it was a *money bill*, but now brought in by one of their own members*, he strongly opposed this measure. He declared himself an enemy to every departure from established and approved principles: this measure in fact went to create two different sorts and classes of paupers; to wit, paupers receiving alms, and paupers released from the obligation of paying them. He was for increasing the price of labour to its due proportion to the necessaries of life, and he wished the poor « to receive the full price of their earnings, not in the shape of alms but of hire. »

When the house was in a committee on the high price of provisions, † after Mr. Wilberforce had sat down, Mr. Tooke rose and spoke as follows:

* Lord William Russel, the Duke's brother.

† On Monday, March 2.

« SIR,

« I am poorly qualified, and I can be little expected to deliver an opinion upon any agricultural subject. In a committee, however, it is not necessary to make a studied harangue, and I shall now say a few words without fear of exposing myself. It appears to me, Sir, that your committees, with very good intentions, do a great deal of mischief. They want information, they want sagacity, they want foresight. Had I had the honor to have been a Member during the last session of Parliament, the *poisoning bill* (for I cannot call it the brown-bread bill)—the poisoning bill should have had my most strenuous opposition. The first Parliament of the united kingdom have given a favourable specimen of their talents for legislating by making the repeal of it the first of their acts. Under the names of charity, humanity, and benevolence, it was calculated to prove the ruin of thousands.

« All your measures have been of a similar stamp; far from producing any beneficial effects, they are fruitful sources of mischief. Sir, it is idle now to think of keeping down the price of provisions: you cannot keep it down, and your awkward attempts will only make it rise the faster. Look back to the earlier times, and you see it constantly rising, and this cause continues to operate with increased force. It is in vain then to struggle with inevitable necessity. You will only heap abuse upon abuse. Remove the national debt, repeal the taxes, and then you may hope to see things at a moderate price; but while you daily add to the amount of these, to entertain such a hope is madness. By this absurd and ineffectual attempt, the public distresses are rendered far more severe. The true friends to their country will allow things to rise in their natural course. By thus doing nothing they will do every thing. They will avoid a thousand errors, they will save millions of lives.

« Sir, in my humble opinion, however paradoxical it may appear, you ought to try to raise the price of every thing. This doctrine may seem extraordinary, but it may

be right for all that; and I shall at all times be ready to defend it. Notwithstanding all that has been said, I am a great enemy to innovation. I hate *innovation* in all things, in church, in state, and in agriculture. My *vital christianity* teaches me to love every thing that is established. Do I examine the attachment I ought to have to any system or practice, I do not examine its intrinsic merits, but I say to myself—Is it established? Though a much better might be pointed out to me, still I think it ought to be adhered to, that no rash experiment should be hazarded. These are my opinions—these have ever been my opinions. I have long been in public life; I have spoken a good deal, and written still more. But let any one examine my speeches and publications with the greatest minuteness, and I defy him to shew that I ever expressed a sentiment contrary to what I now utter. Those principles, Sir, compel me to disapprove of this measure; I cannot consent to see the system of agriculture changed; I cannot consent to see a man obliged to pay a premium against himself. It makes little difference whether the people pay more for the potatoes, or pay an additional tax for a bounty to produce them. But it is idle thus to think of lowering the price. If you wish to promote the comfort of the poor, raise as speedily as possible the price of labour. It is far too low, and must soon rise in spite of you. Though not young, I am not very old, and within my recollection the price of labour has been trebled. Effects will still follow causes, and it must soon advance much further. Why then struggle against a necessity which no human power can control, and no human ingenuity elude? Where will the storm fall? I allow it must at last fall somewhere, and I say it must fall upon the public creditor. A man lends 100l. to government, and gets three per cent for it. If the quartern loaf is at 6d. he gets 120 loaves a year, but *now* he gets only forty or fifty, and in a short time he may not get twenty. Thus, in the course of things he may be altogether ruined. The poor will not ultimately suffer, for their wages will be increased in proportion. The landed interest will not suffer, for

their rents will be increased in proportion. The revenue will not suffer, for in the same proportion the ability of the people to contribute will be increased. The mischief will only fall upon the holders of stock, and as they are not a very numerous set of men, it will not be difficult to relieve them. These steps seem to be taken to prevent the monied interest from being alarmed. They certainly would be less willing to advance their money, but it is unfair thus to try to deceive them. »

Mr. Tooke then entered into some calculations, to shew the propriety of raising the supplies within the year, and the dreadful consequences which must follow from the annual augmentations made to the national debt. He concluded by apologizing for so long occupying the time of the committee, and expressed a hope « that his errors might lead some one to the discovery of truth. » The House then divided. Ayes 39, Noes 44, Majority 5.

On Tuesday, March 10, 1801, Lord Temple rose in his place, to make his long promised motion relative to Mr. Tooke's *eligibility*, and began by professing, « That nothing but his duty to the house, and respect for its institutions, *along with his regard for the representation of the people*, could have impelled him to undertake so arduous a discussion. He also professed that he entertained no personal animosity against Mr. T. whom he was pleased to designate by the term of « Reverend Gentleman. »

To attack a person of such strong mind and abilities upon such a subject, was a bold attempt, but he had such proofs of ineligibility against him, that it was impossible to fail. Whatever might be the ultimate opinion of the House, he should be con-

soled by the recollection of having discharged his duty as became him. The question must be decided by the rules of the constitution made by our ancestors ; by those rules the people had been represented for centuries. If the House considered themselves, which he trusted they would, the guardians of the people's rights and liberties, they would at the same time recollect that those rights and liberties were sacred deposits, which they were bound to protect against all innovation, and to transmit them pure and unsullied as they had been received.

His Lordship then proceeded to state, that innovations were dangerous in most systems, but particularly in those which had the sanction of ages in their favour : in this light stood the House of Commons of this country. One of the most solemn of its acts related to its own members, and the qualifications of those members—that act most expressly declares, in as plain and unequivocal language as words can express, *that no person who either is or has been in priest's orders, or held any office of the church, can possibly be a member of the House of Commons.* He should prove in the most clear and incontestible manner, that Mr. H. Tooke had received priest's orders ; he should also make it equally clear, that he had discharged the functions vested in him by those orders, and when he had proved these facts, he trusted he had proved enough to induce the house to acquiesce in the motion he should afterwards make, of referring

the investigation of other points to a committee. At present he should content himself with moving, « That William Bouchier, Esq. clerk of the diocese of Salisbury, be examined at the bar, whether or not Mr. Horne Tooke had received priest's orders, and whether or not he had exercised the clerical function, in consequence of having received these orders. »

After a few words from Mr. Fox, in which he gave it as his opinion that the noble Lord had not made out a case strong enough to go into evidence, and that it was rash and impolitic to discuss facts of the nature of which the house could not be aware, Mr. John Horne Tooke spoke as follows:

« Mr. Speaker,

« I rise to resist the motion which you lately put from the chair; not that I desire to delay the discussion of this question; my only wish is that the discussion may be full and fair. I am as eager as any one that complete information upon the subject may be received, and any proper motion that has this for its object I shall willingly support. Before I enter into the question, I beg the House to recollect the previous proceedings. About three weeks ago the Noble Lord gave notice, that if in the course of fifteen days no petition was presented to the House, he should make a motion with regard to the representation of Old Sarum. [Some one having called out « No! » Mr. T. exclaimed, « I say, yes! »] This was the nature of the notice, and it is in the memory of the House, that it is as I have stated it. On the fifteenth and sixteenth days I attended in my place, but nothing whatever was said. On the seventeenth, I was obliged to be absent from severe indisposition, and when I came down on the eighteenth, I found that the Noble Lord had given notice of a motion

for the 10th of March respecting the eligibility of the Rev. John Horne Tooke.” His lordship came up to me in a very polite manner, and handsomely told me what he had done. His conduct certainly, Sir, would have been more handsome if subsequent proceedings had corresponded with this. When I asked him what the nature of his promised motion would be? He said there was a difficulty about it, as the lawyers were not agreed. This was the eighteenth day after that on which I took my seat, and still the Noble Lord and his advisers remained undetermined! His lordship, however, assured me, that if I should attend in my place next day, I should hear all the particulars, and when I mentioned my illness to him, he promised to inform me by letter. The following day I was able to attend in person, but no explanation took place. The Noble Lord made a motion for calling witnesses to the bar. I told him I would save him the trouble, as I frankly confessed that I had been ordained a priest more than forty years ago. It was declared from the chair that this would not be sufficient. For forty years I have been in the habit of attending to the proceedings of Parliament. I have been often present in this House; I have been called to your bar. I have been brought to it in the custody of the serjeant at arms. I must therefore know something of parliamentary forms; and I do not hesitate to declare, that it has always been the practice to receive admissions. Indeed what can this House have so worthy to be relied upon? It is never so well off as *habens confitentem reum*. You cannot administer an oath, and must be contented with simple affirmation. When an unhappy printer is brought to be examined, he is asked, whether he is guilty of printing the libel laid to his charge, and upon his confession, he is instantly sent where he deserves to go.

“ I believe that fairness and justice call upon the House to repel this motion, unless the Noble Lord shall explain more fully how he intends to proceed. He has not kept the promise which he made me. These lawyers, I suspect, have advised him to break it. He says he wou'd treat his

most intimate acquaintance and dearest friend in the same way. For his own sake, Sir, I hope that he would not. When he is moved neither by enmity nor profit, should he tamper with the lawyers to find out a flaw in other people's titles? I formerly gave credit to his professions: I now withdraw it, as it was improperly bestowed. I do not say that he is my personal enemy. I do not believe that I have a personal enemy in the world. He bears towards me, Sir, violent political animosity.—[*A cry of order! order!*—] I beg pardon, Sir, if I am out of order; I am sure I should be sorry to be so, but it is not easy to remain cool after the manner in which the Noble Lord has talked of my character, my politics, my principles, and my past conduct. He desired you to keep these out of view: I desire, Sir, that they may be all taken into consideration; the more they are scrutinized I shall be the better pleased. You are bound to consider these topics before you come to a just conclusion, and I am at a loss what could be the Noble Lord's motive for giving you such advice.

“ I apprehend that the lawyers are at the bottom of this motion of the Noble Lord. I know well the modes which these gentlemen pursue in striving to accomplish their ends. Do not let me be misunderstood, Sir. I love and honour the profession. I had once a near prospect of becoming a member of it. About five and forty years ago, I believe the very term in which the present Chief Justice of the King's Bench entered as a student, I myself was enrolled. I reverence the profession of the lawyers. I wish to God I could always approve of their practice. Their motto, I must say, however, is *dolus an virtus*. About the justice of the cause in which they engage, they are not over solicitous, nor are they very scrupulous about the means they employ to gain their ends. They seem here to have wished to make a jumble, a bustle, and a scramble, and by throwing every thing into confusion to get a lumping vote. From the practice, I must necessarily infer, that this has been the advice, and that these have been the advisers.

“ The result of this discussion is of no great consequence

to me. However, I reckon myself bound to resist acts of injustice and oppression, that they may not be drawn into a precedent.

« I shall therefore state the question, and nothing more on my part, I trust, will be necessary. I shall be able, I hope, to place it in so clear a light, that it will be understood by any country gentleman, or even by any lady, as well as the profoundest lawyer. If the House is to determine whether a person who has once been in orders can sit here, it is their duty first to consider whether there is any specific law against it. That this question must be decided in the negative is pretty clear from the line of conduct which has been pursued this day. To what other law are you next to resort? You surely will not rely implicitly upon the opinions of counsel, however highly you may think of their knowledge, integrity, and disinterestedness.

« Five questions immediately present themselves, for this grand question is the fruitful mother of many more. I should be very happy, Sir, if all these five were decided against me, for if one of them is decided in my favour, all is lost *ipso facto*; down go the contest and the controversy. The question is at present so confused and perplexed, that all must be puzzled with it. It puzzled me, Sir, for some time: at last I succeeded in reducing it to distinct heads. We must now have recourse to the Canon law; and ask, in the first place, whether the Canon law legally binds the proceedings of the House? I have no intention whatever, Sir, to discuss the point. I merely wish to shew the enquiries the House must enter into before they come to a determination.

« We next examine whether the Canon law is binding upon the clergy in the profession and out of it, in their civil as well as religious capacity? In the third place, is the Canon law binding upon me, who have long ceased to officiate as a priest, and have long laid down that sacred character? Two others still remain behind equally difficult of solution, and equally necessary to be solved. Is it pos-

sible, for any one who has once entered into holy orders, again to become one of the laity? Or is it once a captain and always a captain! I know there are three canons on this subject: One says a clergyman shall not bear arms; another, a clergyman shall not be a civil magistrate; and a third, that a clergyman shall not use himself as a layman. Clerical representatives of the people have not certainly been very common, but we have clerical volunteers, and clerical justices of the peace. The two first canons are therefore kept back, and the last only is relied on. It is then to be determined whether a clergyman, by having a seat in the House, does or does not use himself as a layman. I said I would not argue these points: I throw out these things for the consideration of the learned gentlemen over the way, and I wish them fully to consider this statement. I have great faith to put in their opinion, let them therefore declare their judgment before the House comes to a final decision.

« Having said so, I cannot help adverting to some things that fell from the Noble Lord. It must be allowed that he displayed a liberal, generous, and elevated spirit! At the same time, I hope the House will pay little regard to his *boasted stake* in the country. I too have a stake in the country, and a deep stake; it is not stolen to be sure from *the public hedge*, for I planted it myself. This stake Sir, I would not exchange for all the *notes* of the Noble Lord, together with the *notes* of all his connections. In this too I think mine is different from his, and far to be preferred to it: his cannot be increased without detracting from the public stock. Mine is my character, and I cannot add to it without having added to the information, comfort, and happiness of the people.»

Lord Temple having persevered in his intentions, witnesses were accordingly called to the bar, and examined relative to the fact of Mr. Tooke's having been in priest's orders. On the 4th of May,

the same nobleman moved « *the order of the day,* » for the House to take into consideration the report of the Committee on the eligibility of Mr. Tooke to sit in Parliament. » This being done, after some prefatory compliments to the Committee and particularly to the Chairman, * his lordship went at large into the question, and endeavoured to prove from the records, that no clergyman was entitled to have a seat in that House, and consequently that Mr. Tooke was ineligible. After this, he concluded by moving, « That the Speaker do issue a new writ for the borough of Old Sarum, in the room of the Rev. John Horne Tooke, who was ineligible, being in holy orders. »

Mr. Tooke began by observing, that he had had but two struggles in his life before the present, which were in any shape personal. The first was, when he applied for the degree of A. M. « which by the way, » he added, « a great dog could obtain, if made to articulate *probo aliter*; » and the second, when a *doubting* set of benchers rejected his claim of admission to the bar, without any reference to law or precedent.

In regard to the present occasion, how it might end he knew not; but for the sake of others, he would maintain his right; in respect to himself, he was not in the least anxious about the privileges of his seat, as he *owed no money*.

He then animadverted on the unparliamentary

* Mr. Abbot.

conduct of the Committee, *in delegating their delegated powers* to others, to examine old records: the result of the search was, that *Clerc*, (an epithet applied in those days to any person who could read) signified a clergyman. He asserted that the Committee did not even understand the Saxon characters, and remarked, that in quoting *twenty one cases*, they had made no less than *eleven* mistakes.

He next combated the doctrine, that he could not lay down his function as a priest; which doctrine, he thought, must appear futile, when it was recollected that there were many canons that dwelt on the deposition of priests. « One of these states, » added he, « that if any clergyman attempted to cast out devils unlawfully, such person should be deposed. Now for example, Mr. Speaker! if I had attempted to cast the devil out of this House, I must have been deposed, and of course been deemed eligible. But in this case my only crime is my innocence—my only guilt, that of not having scandalized my order. I feel myself, Sir, exactly in the situation of a girl who applied for reception into the Magdalen. On being asked respecting the particulars of her misfortune, she answered she was as innocent as the child unborn: the reply was—« This is a place only for the creatures of *prostitution*; you must go and qualify yourself before you can be admitted. »

After Mr. Fox and Mr. Erskine had delivered their sentiments in opposition to the motion, Mr.

Addington, the new Chancellor of the Exchequer, very unexpectedly arose and moved the *previous* question, on which a division took place, and it was carried by a majority of 41.

As the subject of contention was thus left still *afloat*, Mr. Addington, on the 6th of May, by a still bolder measure than that of Lord Temple, brought in a bill « to remove all doubts relative to eligibility of persons in holy orders to sit in the Commons House of Parliament. » While this was before a Committee, M. T. moved the following clause: « That every person in holy orders, on accepting a seat in that House, shall thenceforward be incapable of taking, holding, or enjoying, any living, or ecclesiastical promotion; and further, that he be incapable of holding any place or office of honour or profit under his Majesty. » This amendment however was negatived, and the bill carried up to the House of Peers, where it met with but little opposition, except from Lord Thurlow.

In consequence of an express clause in this bill, the penalties annexed did not attach during the short remaining period that the parliament was by law entitled to sit: the member for Old Sarum therefore continued to vote and speak while *that* House of Commons subsisted, as usual, but it was expressly enacted that he should not be eligible during any future one.

Mr. Tooke is now about sixty eight years of age, having been born either in or near the year 1736.

When a young man, he was accustomed to dress genteelly; and as he possessed a good person and agreeable manners, displayed much of the look and mien of a person of fashion. In addition to this, having kept company with people of distinction, and made the *grand tour* twice, it is not at all surprising, that his conduct and behaviour should exhibit the model of a finished gentleman. Of late years he has left off powder, and this circumstance adds not a little to the appearance of age, in consequence of that *venerable* idea which grey hairs are always calculated to inspire; he is still remarkably clean and neat in every thing respecting his person.

No man in this country is better calculated to shine in company. So various are his powers, that he can either convey information to a society of philosophers, and throw new lights on every subject introduced for the purpose of discussion; or he is able to fascinate a brilliant circle with his wit, and set the convivial board « in a roar » by his merriment. Nor is it to one sex that the idea of his excellence is confined: the ladies are far from being insusceptible to the charms of his conversation; he is capable of all the little attentions that captivate the female world; he exhibits that decorous good breeding that bewitches even virtue, and in his respectful conduct to the *sex*, still keeps up all that is amiable in the *old*, while he avoids every thing disgusting in the new school.

In respect to fortune, it is understood, that Mr.

T. is heir to a very considerable one, and that his circumstances have of late been rendered comfortable in consequence of the interposition of his friends.

No man's principles have been more uniform than those of John Horne Tooke, and if he has not *died*, he has at least lived, a martyr to them. No man's character has ever been less understood. Many, while alluding to his name, conceive the idea of a furious declaimer replete with anger and revenge, and thirsting after the perdition of all that is good and virtuous among us. They represent to their terrified imaginations a man of squalid appearance, and intemperate manners, and would be astonished to discover the scholar rising above his age and nation; the politician blending the patriot and the statesman together, and the man of breeding exhibiting the courtier's grace, without any of his insincerity.

THE HON. THOMAS ERSKINE.

The subject of these pages, is the third son of the late Earl of Buchan, and youngest brother to the present Earl; the second holds an eminent station at the Scotch bar. There are no satisfactory documents of the youthful part of his history. It is, however, well known that he entered very early in life in the navy, a service for which he had imbibed a strong predilection.

He went to sea with the late Sir John Lindsay, nephew of the great Earl of Mansfield. He never, it is believed, had the commission of lieutenant, but acted for some time in that capacity by the appointment of his captain. His reason for quitting the navy is said to have been the slender chance of obtaining promotion; and as he had only served as a lieutenant in consequence of the friendship of his commander, he was unwilling, after having been honoured with such a distinction, to return to sea in the inferior capacity of midshipman.

On quitting the naval service, he entered into the army as an ensign in the Royals, or first regiment of foot. This was in the year 1768, and happened not so much from inclination (as it is said) as because his father with a small and strictly entailed estate, had not the means of assisting him, with convenience, to pursue one of the learned professions. He went with his regiment to Minorca, in which island he spent three years, and continued in the army about six.

During the period he continued in the army, he had acquired considerable reputation for the acuteness and versatility of his talents in conversation. Mr. Boswell, who met him about this time in a mixed company in London, mentions, in his Memoirs of Dr. Johnson, the delight which the Doctor and himself felt from the ability of a gentleman, who was no other than Mr. Erskine, in discoursing on some temporary topic, which, at that

time, happened to be an interesting question of dispute in the circles of the metropolis.

Whether the consciousness of these powers, or the suggestions of his friends, or the embarrassments of a scanty income, first invited him to make preparations for the study of the law, is of no importance to enquire. The resolution, from whatever cause it proceeded, must, in a great measure, have been supported by that internal confidence in his own talents, which is inseparable from great and elevated minds; and from that spirit of adventure, which is incidental to genius—which overlooks slight obstacles, and which is invincible by ordinary difficulties. There is a fashion among biographical writers, to discover in the person whose life they are writing, an innate original predisposition for the peculiar department of science or literature in which he has been eminent, forgetting that, in the nature of things, the pursuit must be wholly accidental, and that, « in every region of the air, » the flight of powerful intellect must be equally lofty and vigorous. It has, however, been said, and we have reason to believe with truth, that Mr. Erskine had no merit whatsoever in embarking in so new and arduous a pursuit, but that it was literally and most unwillingly forced upon him by the importunities of his mother, the Countess of Buchan, after the death of his father; and that the hopes of succeeding in it were fortified and kept alive, against his own prepossessions, by her counsel and persuasions. Although, in the privacy of

domestic life, the greatest characters and the brightest talents may pass away without record and remembrance, she was a lady of most uncommon acquirements and singular penetration. She thought, no doubt, that she perceived the capacity of her son, and in the confidence of parental affection, planned out this scheme of his future destination, while he was absent in the army at Minorca.

Mr. Erskine was about twenty-six when he commenced his course of legal study. He entered as a Fellow-Commoner of Trinity-College in Cambridge in the year 1777; and, at the same time, inserted his name as a student on the books of Lincoln's Inn. One of his college-declamations is still extant, as it was delivered in Trinity-College Chapel. The thesis was the revolution of 1688. It displays no ordinary powers of language, and it is easy to discover, in some of its passages, the elements, as it were, of that forensic eloquence in which he afterwards acquired so unequalled a pre-eminence. It would be too mean a praise to say that it bears very striking features of superiority over the declamations, which are usually produced on those occasions. It gained the first prize, which he refused to accept, not attending Cambridge as a student, and only declaiming in conformity to the rules of the College. An ode, written by Mr. Erskine, about this time, in imitation of Gray's Bard, is worthy of notice as a sportive production of his fancy. It originated in an occasion

truly humorous. Mr. Erskine had been disappointed by his barber, who neglected his usual attendance upon him, and prevented him from dining in the College-hall. In the moment of disappointment, hunger and impatience, he is supposed to have poured forth a malediction against the whole race of barbers; with a denunciation, prophetic of a future taste for cropping, and unpowdered hair.

Mr. Erskine did not enter into the University for any academical purpose, but merely to obtain a degree to which he was entitled as the son of a nobleman, and by which he saved two years and a half in his passage to the bar. His education had been completed in Scotland before. His father, one of the most accomplished men of his time, had uniformly felt an extraordinary solicitude as to the education of his children, and actually removed from his family estate in Scotland for the purpose of residing at St Andrew's, where he continued many years. During this time he procured for them a private tutor, one of the most elegant scholars of that part of the island, to assist their studies at the School and University. Mr. Erskine always pursued the study of the Belles Lettres with unremitted ardour, and had the advantage of imbibing from the most eminent persons of the day that various and extended knowledge, which can never be derived from books, or solitary application. In order to acquire a necessary knowledge of the mechanical

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parts of his future profession, he was persuaded by the judicious counsels of his friends to enter as a pupil into the office of Mr. Buller, then an eminent special pleader at the bar, and since promoted to a distinguished station on the Bench.

It needs not be dissembled that, during this period of his life, Mr. Erskine was subject to the necessities of a very limited income. He had been already married about four years, and was obliged to adhere to a most rigid frugality of expenditure. Of these circumstances of his history, many of the particulars have, with great ingenuousness, been mentioned to his friends by Mr. Erskine himself.

In reviewing the difficulties he had encountered, and in contrasting them with the brilliant prosperity of his latter years, he must now feel a peculiar gratification; because by an involuntary impulse he must have attributed his extraordinary elevation to the endowments allotted to him by nature, rather than to the caprice or partialities of fortune. The part sustained by Mrs. Erskine, before the cloud that overhung their first entrance into life was dissipated, is highly honourable to her feelings; she accompanied him to Minorca, followed his fortunes with the most cheerful constancy, and while he was engaged in the pursuits of a most laborious profession, never suffered any pleasure or amusement to interrupt her in the assiduous duties of domestic life.

While he remained in the office of Mr. Buller he pursued the business of the desk with unremitted

activity and ardour; and, on Mr. Buller's promotion, went into the office of Mr. Wood, where he continued a year after he had been in considerable business at the bar. Special pleading, though not unfrequently considered as the mechanical part of the profession, has lately arrived at a higher dignity than lawyers of former times were willing to allow it. The absolute and hourly necessity of it is now recognized by every one who is conversant with the business of our courts of justice. It consists in a sort of analytical correctness, and its highest utility is derived from the habits of artificial acuteness which it imparts, and the nice and skilful subtleties on which it is perpetually occupied. Although Mr. Erskine never practised as a professed special pleader, the notion of his being ignorant of that branch of the legal science is founded in the grossest misrepresentation. No one understands the principles of that science more correctly; nor is any one more dextrous in the seasonable application of them, as a species of *law logic*; a phrase, by which the late Sir William Jones accurately defined the art of the Special Pleader.

In what manner our advocate cultivated the acts of popular declamation does not clearly appear. It has been said, that he was an assiduous attendant at Coach-maker's Hall, where a debating club of some estimation was at that time held. But the style of Mr. Erskine's oratory bears internal testimony against this assertion. The elo-

quence that is cultivated in these societies is altogether of a nature, remote from the uses of the bar, or the senate. The debates of the evening are for the most part conducted by a set of speakers, or rather spouters, who vociferate a collection of crude declamatory sentences to a tumultuous audience, which, taking no cognizance of felicities of style or diction, bestows its applause on the orator who makes the greatest noise, and acts his part with the greatest vehemence. Such are not the academic shades in which English eloquence is nurtured. Perhaps the most distinguished of our orators have acquired their perfection in public speaking, more by silent meditation and study, than by declaiming in public. Unquestionably he can never be a good speaker who has been habituated to that noisy rant, of which the greatest praise is a rapidity of utterance, and by which the rules and harmony of the language are exposed to perpetual violence and perversion.

He had now completed the probationary period allotted to the attendance in the Inns at court, and was called to the bar in the Trinity Term, 1778. Mr. Erskine is a singular exception to the tardy advancement of professional merit at the English bar. It is not worth inquiring how long he continued a mute auditor in the back benches of the court, amongst the crowd of young men, who may be, not unaptly, compared to the ghosts that linger on the banks of the Styx for a passage over the lake; but, by a singular partiality of fortune,

he was not tortured by the « hope deferred, » and the sickening expectation of a brief in Westminster-Hall, which so many men of promising talents are doomed to undergo : an opportunity was almost immediately afforded him of distinguishing himself in Westminster-Hall. Captain Baillie who had been removed from the Government in Greenwich Hospital by Lord Sandwich, then First Lord of the Admiralty, and one of the Governors of Greenwich Hospital, had been charged with having published a libel against that nobleman, and the Attorney-General was instructed to move for leave to file a criminal information against him; this was the occasion of Mr. Erskine's first speech in court. In opposing the motion of the Attorney-General, an opportunity presented itself to him of entering into the merits of the case in behalf of Captain Baillie. He expatiated upon the services which had been rendered by his client, on the firmness with which he resisted the intrigue and artifice to which he attributed the prosecution set on foot against him.

In the course of this speech, he attacked the noble earl in a tone of sarcastic and indignant invective. Lord Mansfield interrupted him more than once, but the advocate did not abate of the severity of his animadversions. — It was at that time no common spectacle, to observe a man, so little known to the court and the bar, commenting, with asperity of remark, on the conduct of a powerful statesman who held an elevated post in

the administration , and distinguishing himself by a species of confidence not usually felt in early efforts of public speaking , under circumstances that rendered it more prudent to abstain from personal severity, and to conciliate the court he was addressing. These strictures on Lord Sandwich are unquestionably severe ; but , if any faith is to be had in the testimony of his contemporaries, both in office and in opposition , they are not unfounded. Colonel Luttrell , speaking of him in the House of Commons, observed, with a pointed eloquence , that « *there is in his conduct such a sanctimonious composure of guilt, that the rarity and perfection of the vice almost constituted it a virtue.* »

This was the first trial of his talents at the bar , having been called only in Trinity-Term , and having been employed for Captain Baillie in the Michaelmas-Term following. He is said to have been indebted for this opportunity to no interference , recommendation , or connection. His acquaintance with Captain Baillie originated from his having accidentally met him at the table of a common friend. Almost immediately afterwards Mr. Erskine appeared at the bar of the House of Commons , as Counsel for Mr. Carnan , the bookseller , against a Bill introduced by Lord North , then Prime Minister , to re-vest in the Universities the monopoly in Almanacks , which Mr. Carnan had succeeded in abolishing by legal judgments , and he had the good fortune to place

the Noble Lord in a considerable minority upon a division.

To the reputation which these speeches conferred upon him, it has been said, that he refers the subsequent success he has experienced in his profession, and that, as he left the court upon that occasion, nearly thirty briefs were offered to him by the attornies who were present. He was now surrounded by clients, and occupied by business. Of the various cases in which he was employed, it would be absurd to expect any mention, as they consisted only of the ordinary and daily transactions of the Term and the Sittings.

The public feelings were now altogether occupied by the interesting trial of Admiral Keppel. Mr. Erskine was retained as Counsel for the Admiral; a circumstance that was owing to the ignorance which the Counsels, Mr. Dunning and Mr. Lee (who were originally engaged) displayed of the sea phrases, without some knowledge of which the case was in a great measure unintelligible. Mr. Dunning recommended Mr. Erskine as qualified for the duty, having been made acquainted with the manner in which he had passed the former part of his life.

The duty of a Counsel before a Court Martial is very limited by the rules and usages of the Court: he is not permitted to put any question to the witnesses; but he may suggest to his client such as occur to him as necessary to be asked; nor is he suffered to address the Court; and almost the only

assistance he can render is in the arrangement of his defence, and the communication of such remarks on the evidence as are most likely to be present only to the minds of those who are habituated to the rules of testimony in courts of justice. This service was most effectually and ably rendered by Mr. Erskine. Having drawn his defence, Mr. Erskine, personally examined all the Admirals and Captains of the fleet, and satisfied himself that he could substantiate the innocence of his client before the speech which he had written for him was read. For his exertions on this memorable occasion Mr. Erskine received a thousand guineas. It was the proudest office of his life to have saved a good and honourable man from disgrace, and even amidst the splendors of his succeeding fortunes, Mr. Erskine ought to look back on this event with renewed satisfaction and triumph.

He was now in possession of the best *second business* in the King's Bench. — By the phrase *second business* is meant that sort of business in which the lead is not given to the Counsels who are not yet arrived at the dignity of a silk gown, and of a seat within the bar of the court; but an event took place which called his talents into activity on a most memorable occasion. The riots of 1780 are alluded to. Every one knows the universal consternation which at that time agitated the kingdom, when the security of the nation was threatened in the destruction of the capital. After

the extinction of these tumults, the vigilance of the magistracy was exercised in directing the insulted justice of the country against the actors in that dreadful conflagration. The participation of these outrages attributed to Lord George Gordon is well known. On his guilt, or innocence, it would be indecorous in us to pronounce an opinion. There is a veneration always due to the verdict of juries; and it would be a sort of political blasphemy to call the rectitude of their decision into suspicion.

Mr. Erskine, however, was retained Counsel for his Lordship, in conjunction with Mr. Kenyon, now the learned Chief of the King's Bench. The duty which more immediately devolved on Mr. Erskine was that of replying to the evidence; a duty which he sustained with infinite judgment and spirit. His speech on this trial abounds with many of the most finished graces of rhetoric. It is rapid and impetuous; and altogether in that style and character which are most impressive in judicial assemblies. The exordium is after the artificial method of the ancients, who never begin an oration without an appeal to the tribunal they are addressing, upon the embarrassments and peril of the function they have undertaken. «I stand,» said Mr. Erskine, «much more in need of compassion than the noble prisoner. He rests secure in conscious innocence, and in the assurance that his innocence will suffer no danger in your hands. But I appear before you a young and inexperi-

enced advocate ; little conversant with courts of criminal justice , and sinking under the dreadful consciousness of that inexperience. »

There is perhaps no department of his profession , in which our advocate has reached higher excellence, than in his observations on evidence. The defence of Lord George Gordon required the exercise of these powers to their amplest extent ; as the case on the part of the crown was supported by a variety of witnesses. Having delivered to the jury the doctrine of High Treason , as it had been established by the celebrated act of Edward the Third, and as it was expounded in the best authorities , he made a most dextrous application of those rules to the evidence which had been adduced. They who study this speech will observe, with emotions of admiration, the subtleties with which he abates the force of the testimony he is encountering, and the artful eloquence with which he exposes its defects , and its contradictions. « I say, *by God*, that man is a ruffian, who, on such evidence as this, seeks to establish a conclusion of guilt , » he exclaimed as he was finishing this topic of his defence. An impassioned mode of exclamation , which , though it may find some apology in the perpetual example of Cicero, is not suited to the chastity and soberness of English eloquence. Of this speech , the concluding sentence is truly pathetic. We scarcely hesitate to pronounce this to be the best effort of Mr. Erskine's talents : it does not , indeed , display the

minute beauties of cultivated diction, nor those grave remarks of moral wisdom with which his later speeches, in imitation of Mr. Burke, are pregnant; but, considered in reference to the occasion on which it was delivered, it is a most astonishing effort of vigorous and polished intellect.

In the month of May, 1783, Mr. Erskine received the honour of a silk gown: his Majesty's Letters of Precedency being conferred upon him, as it has been said, at the personal suggestion of the venerable Lord Mansfield. To this distinction, his portion of the business, and his acknowledged talents, gave him an unanswerable pretension. Mr. Erskine is a remarkable instance of a rapid advancement to this honour, not having been at the bar quite five years. His business was now considerably augmented, and he succeeded to that place which had been so long occupied by Mr. Dunning.

It would be impossible, within the space allotted to this article, to give an account of the causes pleaded by Mr. Erskine; his exertions being, for the most part, occupied in the transaction of daily occurrences which are discussed in our courts of justice; of these there are no other documents than the journals of the day, from which fidelity of statement cannot be expected.

In no part of his professional engagements has Mr. Erskine deserved or acquired a higher reputation than in the mode of conducting trials for *crim. con.* It has frequently fallen to his lot to

be concerned in behalf of plaintiffs in these actions, a circumstance which has given him considerable advantage; for, besides the attention which is sure to be afforded to accusing eloquence, the sympathies of mankind are naturally in alliance with him who hurls his invective against the disturber of the genial bed, and the invader of conjugal happiness; and alarming as the frequency of these causes may be, yet the torrent of public licentiousness has received no slight impediment from the indignant feelings of the world, and the exemplary damages awarded by juries. To this honourable and useful end the eloquence of the advocate is subservient. He calls into activity the slumbering emotions, and the virtuous sensibilities of men, into a sort of league against the crime he denounces. Mr. Erskine's speech, in the memorable cause of *Parslow versus Sykes*, is still remembered, by those who heard it, as an uncommon effort of rhetorical ability.

Mr. Erskine has also been concerned in some of the remarkable causes for *crim. con.* on behalf of defendants. His exertions are well known in the memorable cause of Baldwin against Oliver, tried at York, and the recent one of Sir Henry Vane Tempest, in both which cases there were but one shilling damages; the husbands having let loose their wives upon the world, and, in some respects, being accessory to their prostitution. And, on these occasions, Mr. Erskine has done equal service to the cause of morality and virtue, by

pointing out the infamy of unyoking the female passions from the restraints of conjugal protection and domestic attachments. His speech in Howard against Bingham will be long remembered at the bar : it contains a most affecting apology for the lady, who was married against her consent, while her affections had been bestowed upon another : it abounds with pathetic remarks on the harshness and cruelty of chaining down to a man, whom she hated, a young and beautiful woman, and, for purposes of family arrangement or ambition, dedicating her life to a reluctant discharge of duties, the obligations of which she could not perceive, and the conditions of which she could not sustain. In this speech there is no apology for vice, but an excuse for human frailty, which is pleaded with great warmth and great eloquence.

From the infinite variety of these causes in which he has been concerned, it is not extraordinary that he should have acquired too artificial and common-place a method of putting his topics : but it cannot justly be reproached to Mr. Erskine, that the perpetual reiteration of these transactions should, in a great measure, have exhausted his store of expression and of thinking on these subjects : this is not poverty, but exhausted wealth — the indigence arising from too lavish a prodigality of his opulence. He who looks for a perfect model of the style of Mr. Erskine must examine his speech on the trial of Stockdale. When the charges against Mr. Hastings were published by the House

of Commons, a Mr. Logie, a Clergyman of the church of Scotland, and a friend of the Governor-General, wrote a tract, in which those charges were investigated with some acrimony, but with considerable warmth and vigor: the pamphlet being considered as libellous, by a resolution of the House a criminal information was filed by the Attorney-General against Stockdale, who was the publisher, for a libel.

In the course of his defence of Stockdale, Mr. Erskine urged many collateral topics in favour of Mr. Hastings, in a style of fervid and ornamented eloquence. Adverting to the charges preferred against Mr. Hastings, he expatiates on the obvious absurdity exhibited by a power, guilty of rapine and oppression, in presuming to sit in judgment upon those to whom its authority had been delegated, and by whom its own tyranny had been exercised. He dwells upon the ridiculous conduct of a nation, proceeding in its iniquitous career of plunder and rapacity, in saying to the subordinate instruments of its usurpation, « Thus far shalt thou go, and no farther; » that a great empire was to be preserved by Mr. Hastings, and that it was only to be preserved by the means which were used to acquire it; by acts of rigorous and severe authority. He then takes notice of the violation of human happiness, for which the nation was responsible, in the exercise of her eastern dominion; concluding the topic in the following strain of energetic oratory: —

« Gentlemen; you are touched by this way of considering the subject, and I can account for it. I have been talking of man, and his nature, not as they are seen through the cold medium of books, but as I have myself seen them in climes reluctantly submitting to our authority. I have seen an indignant savage chief surrounded by his subjects, and holding in his hands a bundle of sticks, the notes of his unlettered eloquence. « Who is it, » said the jealous ruler of a forest encroached upon by the restless foot of English adventurers, « Who is it that causes these mountains to lift up their lofty heads? Who raises the winds of the winter, and calms them again in the summer? The same Being who gave to you a country on your side of the water, and ours to us on this. »

This is, perhaps, a species of rhetorical ornament more figurative than our national eloquence, which does not tolerate the boldness of the *prosopeia*, seems strictly to admit; yet it is impossible not to be struck with the sublimity of the passage. The exertions of Mr. Erskine procured the acquittal of the defendant.

Of this speech the faults and the beauties are equally obvious; it is too elaborate and artificial in its texture; its sentences are too much burdened with epithets, and it wants the charm and the ornament of simplicity: under some restrictions, it may be said *abundat dulcibus vitiis*. In the beginning of this harangue, he has displayed a

regard for his own profession truly honourable to his feelings ; and it is not the least praise which is due to his professional character , that he is never known to omit any opportunity of paying a tribute of respect to the bar , of which he is the most shining ornament and example.

Mr. Erskine was elected member of parliament for Portsmouth in the year 1783 ; an honour which he probably derived from the reputation he had acquired at the Court Martial which sat there on the trial of Admiral Keppel. His political character may be extracted from his speeches in courts of justice , as well as from his uniform conduct in parliament : whether the consistency of his course is to be attributed to a singular felicity of fortune , or to the demands which his business has at all times had on his time and his exertions , and which rendered his political ambition subordinate to his love of professional fame ; yet the praise of inflexible patriotism , and a rigid adherence to the men and measures he approved , will hardly be disputed to him.

From no transaction of his life is a greater and more permanent reputation derived by Mr. Erskine than in his noble struggles in defence of the trial by jury. The law , as it is now expounded by Mr. Fox's Bill , which Mr. Erskine paved the way for in the courts , and seconded and supported in parliament , is a monument erected to patriotism and ability. A strange paradox had crept into the judicial practice , which , restricting the

power of juries in questions of libel to the arbitrary interpretation of the judges, reduced it in fact to a shadow and a nullity. A rule derived from the venal opinion and practice of bad judges, in bad times, was adopted by honest and upright men from real conviction, and a sense of duty in adhering to what they conceived to be precedent and authority. The question had already been frequently agitated in trials for libel. It had exercised the pens and tongues of the ablest lawyers, and had been discussed in the luminous and elegant letters of Junius. It was reserved for Mr. Erskine, in his celebrated argument in support of a rule for a new trial in the Dean of St. Asaph's case, to concentrate all the doctrines, and to combine all the reasonings, which lay scattered over so many volumes of legal learning. In this elaborate argument, he most triumphantly established his position that juries were judges of the law as well as the fact. Upon the principles laid down in this speech, Mr. Fox framed his immortal Bill, which, though it received the most acrimonious opposition, in both Houses of Legislature, has at length happily rescued the question from controversy, by the establishment of a criterion, to which the rights and duties of juries may at all times be referred.

On the original trial of the Dean of St. Asaph, at Shrewsbury, where Mr. Erskine appeared as counsel for the Dean, a special verdict was de-

livered by the jury, finding the defendant guilty only of *the fact of publishing*. Mr Justice Buller, who presided at the trial, desired them to re-consider it, as it could not be recorded in the terms in which they expressed it. On this occasion, Mr. Erskine insisted that the verdict should be recorded as it was found. This was resisted by the Judge, who, meeting with unusual opposition from the Counsel, peremptorily told him to sit down, or he should compel him. «My Lord,» returned Mr. Erskine, «I will not sit down — Your Lordship may do your duty, but I will do mine.» The Judge was silent. It would have been more consistent with the dignity of the Court, if the threat, which he did not feel himself prepared to execute, had not escaped the learned Judge. Mr. Erskine concludes his argument in this case with this sentiment:

«It was the first command and counsel of my youth always to do what my conscience told me to be my duty, and to leave the consequences to God. I shall carry with me the memory, and I trust the practice, of this parental lesson to the grave. I have hitherto followed it, and have no reason to complain, that my obedience to it has been even a temporal sacrifice. I have found it, on the contrary, the road to prosperity and wealth, and I shall point it out as such to my children.»

The independence exhibited by our advocate on every occasion threw upon him the defences

of persons prosecuted for sedition or libel by Government. No reasoning can be more uncandid, than to infer, that his political opinions had any real sympathy with those entertained by the numerous race of libellers who resorted to him for legal protection. They know but little of the duty of a counsel who reason in this manner. As a servant of the public, he is bound by the obligations of professional honour to afford his assistance to those who engage him in their behalf. It is the privilege of the accused, in a free country, to be heard impartially and equitably, and to be tried by the fair interpretation of the laws to which he is amenable. They who imagine that the advocate identifies with his own the opinions and acts of the party he is representing are carried away by erroneous reasonings, tending, in their consequences, to deprive the innocent of protection, by denying a fair measure of justice to the guilty. This sense of duty Mr. Erskine has carried to an honourable extreme, not having been deterred from it by the malignant representations of party calumny, nor tempted to abandon it by the hopes and promises of professional promotion. His defence, however, of Paine occasioned his sudden dismissal from the office he held as Attorney General to the prince of Wales. It is unnecessary to inquire who were the advisers at Carleton-House upon this occasion; it is sufficient to say, that the measure was dictated by minds of too

weak a texture, and too contracted a size, to comprehend either the duties of an English advocate, or the rights of an English subject. In justice, however, to the Prince, there is no reason to believe that he approved of the measure, or willingly acceded to it. In those moments of political phrenzy, it was forced upon him by those who could not feel the enlarged and liberal sentiments of that great personage on such an occasion, and who were not ashamed to make use of the most unworthy instruments of political artifice and intrigue, having no other political science than that of pursuing objects most familiar to their minds, by means most adapted to their understandings.

The most brilliant event in Mr. Erskine's professional life was the part cast upon him, in conjunction with Mr. Gibbs, in the State Trials, in the year 1794. The accused persons looked to Mr. Erskine as their instrument of safety. He undertook their several defences with an enthusiasm which rendered him insensible to the fatigues of a long and continued exertion; nothing was omitted that could elucidate their innocence; nothing overlooked that could tend to weaken the force of the case stated against them by the Crown Lawyers. These trials lasted several days: the public expectation hung upon them with most inconceivable anxiety, and the feelings of good men and virtuous citizens accompanied the accused to their trial, with hopes, not unmixed with apprehension,

that, from their acquittal, the liberty of the subject would receive additional strength and confirmation.

One of Mr. Erskine's latest speeches was upon the prosecution of the publisher of Paine's *Age of Reason*. It is a signal blessing, in an age when the sentiment is openly undervalued and despised, that men of great talents should display a lively sensibility to the obligations of religion, as the best support of morality and conscience, and that they should employ their eloquence and their reason (the best gift of God to man) in impressing on the general mind the consolations derived from the truths it has imparted. A more eloquent, solemn, or impressive oration was never delivered than that which Mr. Erskine made on this occasion.

The character of this great man is reflected by the actions of a life spent in the active exercise of an honourable occupation. His various talents, even by the violence of party, have not once been questioned. To say that he is unequal in his intellectual efforts, is to say little more than may be affirmed of the greatest men who have flourished in eloquence, in poetry, or philosophy. Let him, however, who desires to frame a correct estimate of his powers attend the court in which they are hourly exercised: let him not build his judgment on an insulated specimen; let him pursue his mind, as it were, to the context, and combine his diversified merits

in the endless variety of causes on which he is occupied : let him remark the facility of transition with which he glides to the successive transactions of the day ; the correctness with which he narrates and details their circumstances, and the unceasing pliability of his mind on subjects of such various and discordant natures.

It would be gratifying to exhibit the domestic character of Mr. Erskine. He has four sons and four daughters ; and , in the bosom of his family , he finds a soothing relaxation from the cares and agitations of his public engagements. Whatever time he can snatch from the accumulated mass of labours with which he is surrounded, is devoted to social intercourse with his friends and his family. No man is endowed with a greater share of constitutional vivacity : he is sportive, and almost puerile in his relaxations, a circumstance not unfrequently found in the history of men of genius.

Upon these topics we cannot enlarge. In this memoir an attempt has been made to exhibit his public character with fairness and impartiality. Of his private virtues, it would be indecorous to make any enumeration. *Integritatem atque abstinenciam in tanto viro referre injuria virtutum fuerit.* Tacit. in vit. Agric.

Mr. Erskine has been recently honoured by the Prince of Wales with a special mark of his confidence, in being appointed Chancellor to his Royal Highness, a dignity which has for many years lain dormant.

MR. JEFFERSON,
PRESIDENT OF THE UNITED STATES OF
AMERICA.

MR. JEFFERSON was born in Virginia, and is now supposed to be somewhat turned of fifty. He is the son of a gentleman of that state, the same who was joint-commissioner with Colonel Fry for settling and extending the boundary line between Virginia and North Carolina in 1749.

He was educated in his native land, from which he was never absent till its service demanded his residence at the Court of Paris, whither he was sent as an Envoy.

Mr. Jefferson is tall, and of a slender make, fresh complexion, clear penetrating eyes, hair inclining to red, and of very modest and affable deportment. He was, professionally, bred a lawyer though born to an affluent fortune; yet the public demand for the exercise of his talents in a higher sphere left him but little time to display his native eloquence as a barrister, nor was he of a turn to profit by the arts of ordinary practice. His country called him forward at a very early period, and promised herself, in his abilities, those very important ends which have been so conspicuously realized in whatsoever he has been engaged.

In private life, in his younger days (the only days which fortune seems to have allotted to him for an uninterrupted social intercourse with the world) he was, in every circle (and all of the first were competitors for his presence) its ornament, instructor, and pride. Close application had supplied the want of many European advantages. Without neglecting the particular study to which his primary employments were devoted, Mr. Jefferson found also sufficient hours to attend to the politer acquirements. In these auxiliary accomplishments he attained a knowledge in drawing, geometry, geography, astronomy, natural philosophy, and music, in which he was considered a proficient; nor was his information in history and state affairs neglected for these adornments.

At an early age he married a mild and amiable wife, the daughter of a Mr. Wayles, an eminent counsellor in Virginia; an affectionate partner, who, unfortunately, no longer exists! The death of this lady of course devolved on him a more weighty parental care in the education of her two lovely daughters; they have been reared under his immediate inspection, and have accompanied his diplomatic functions whithersoever they have been directed.

It could not be expected that a man of such qualifications, in a country which stood so much in need of them, could be suffered long to remain in philosophic retirement: man is not born for

himself alone, and the vote of his constituents claimed his labours in the fields of jurisprudence.

In the Legislature of Virginia he became a distinguished and useful member, and has left many traces on record of sufficient importance to indicate future greatness.

During the revolutionary period which separated the United States from the Mother Country, we find him advancing to a still more dignified station; he was one of those in whose hands the people thought fit to confide the most material events of their political existence and future happiness. He was honoured with the public confidence during the most important struggles, and sat two years in the famous Congress which brought about the Revolution, and which is now every where highly respected. In this Congress he sustained a character which will stand dignified to the end of time: a character which, perhaps, can never be better expressed than it already is by the pencil of Mr. Trumbul.

A greater example of unlimited confidence than that which was evidenced in the address of his constituents on the awful occasion of this delegation, will, probably, never be recorded in history. "You
" assert that there is a fixed intention to invade
" our rights and privileges; we own that we do not
" see this clearly, but since you assure us that it
" is so, we believe the fact. We are about to
" take a very dangerous step, but we confide in
" you, and are ready to support you in every

« measure you shall think proper to adopt. » To proceed farther in this paragraph, with feeble accounts of a man who should be only mentioned to be revered, would be to offer insult to the superior pens which have preceded, and to merit a stigma for arrogance: the Duke de Liancourt, to the character of an agriculturist (which both he and the Board of Agriculture of England have bestowed on Mr. Jefferson) has added the following very beautiful and faithful picture:

« They must be very ignorant of the history of America
« who know not that Mr. Jefferson shared with George
« Washington, Franklin, John Adams, Mr. Jay, and a
« few others, the toils and dangers of the Revolution in all
« its different stages; that in the famous Congress which
« guided and consolidated it, he displayed a boldness and
« firmness of character, a fund of talents and knowledge,
« and a steadiness of principles, which will hand down his
« name to posterity with glory, and assure to him for ever
« the respect and gratitude of all the friends of liberty. It
« was he who, in the famous Congress, so respectable and
« so much respected, in that Congress, ever inaccessible
« to the seduction, fear, and apparent weakness of the peo-
« ple—it was he who, jointly with Mr. Lee, another deputy
« of Virginia, proposed the declaration of independence.
« It was he who, supported principally by John Adams,
« pressed the deliberation on the subject, and carried it,
« bearing down the wary prudence of some of his col-
« leagues, possessed of an equal share of patriotism, but of
« less courage. It was he who was charged with drawing
« up this master-piece of dignified wisdom and patriotic
« pride. It was he who, being afterwards appointed Gover-
« nor of Virginia, at the period of the invasion of Arnold
« and Cornwallis, acquired a peculiar claim on the gra-
« titude of his fellow-citizens. It was he who, as the first

« Ambassador of the United States in France, filled at that
« momentous epoch that distinguished post to the satis-
« faction of both nations. In fine, it was he who, as Secre-
« tary of State in 1792, when the ridiculous and disorga-
« nizing pretensions of Mr. Genet, and the lofty arrogance
« of the British Minister, endeavoured alternately to abuse
« the political weakness of the United States, induced his
« Government to speak a noble and independent language,
« which would have done credit to the most formidable
« power. The long correspondence carried on with these
« two designing agents would, from its just, profound,
« and able reasoning, be alone sufficient to confer on its
« author the reputation of an accomplished Statesman. »

Here we must recur to a critical period in Mr. Jefferson's civil administration. He was the second Governor of Virginia under its renovated constitution, the successor of that Patrick Henry who was the successor of Lord Dunmore, and who boldly held the reins of a yet untried system.

At this arduous period he had much to contend with, for he was not only the object of an open enemy in the field, but sustained the insidious artifice of an assassin-like faction, who assailed his reputation in the dark, ever ready to stab it with a secret whisper. Justice to this gentleman demands a notice of some of the more overt attacks which were made on him, and which, though vague and loose in themselves, have been frequently recited by men ready enough to do him evil: it has been objected that he abandoned the Government of Virginia to its enemies, and sought personal safety in his flight to the mountains; and that he refused to pay mili-

tary claims in preference to those of the civil list, during his administration of that government.

If the first of these loose insinuations is supposed to apply to the evacuation of the metropolis of Virginia, an American Officer now present was with him on the occasion, and contradicts the fact: if to the second visit which General Tarleton did himself the honour of paying to the deliberating councils of that country, the whole legislature must have been equally implicated: *Dum armes silent leges!* The propriety of his pecuniary appropriations is, perhaps, easily to be justified.

In regard to the first point of view, facts authorise the bold assertion, that the Government deserted Mr. Jefferson, and not that Mr. Jefferson deserted the Government on this occasion of unparalleled risk and difficulty. The gentleman present, and now ready to testify it, was at that period an Officer in the confidence of the Commanding General in that part of the country, and was, on this particular occasion, sent to Mr. Jefferson with dispatches of an important nature (being choicely mounted, by the General's particular order, on the most noted running horse which the whole country afforded). He found Mr. Jefferson in the town of Manchester, opposite to *Richmond*, which is the *metropolis* spoken of, and then about fourteen miles from the rear of General Arnold, who was retiring from his depredatory incursion. He learnt from the few confidential friends who surrounded the Governor, that his Excellency had

been busily engaged even in personal labour to secure those very arms in a place of safety which were abandoned by his fellow citizens to the mercy of the enemy; while some, indeed, were as industriously employed in circulating falsehoods to his prejudice.

In the respect of his pecuniary appropriations before alluded to, gentlemen of the army seem to have been a little premature in imbibing a prejudice against a public character, whose office demanded of him an independent exercise of his judgment. This might in part, perhaps, proceed from the imperfect knowledge to which military life in general attains in the affairs of civil government, and partly from those false suggestions which are wont to arise from the malice of faction. It is true that a part of the army were discontented with Mr. Jefferson, and it is equally so that their jealousy of pecuniary partialities was the chief cause; but it remains to be determined whether this was a reasonable dissatisfaction. It was a prevalent complaint that the claimants on the civil list were paid while the claims of the military were unattended to. In canvassing this murmur, let us take a view of the premises. — Every one knows the situation of Virginia at that time; her credit was sunk, her strength exhausted by the marching and counter-marching of the troops, invaded by a powerful enemy, and her contingent fund at a very low ebb: certainly the propriety of supporting her *civil* government through such disasters will be viewed as

a primary object by all sound politicians. Without *that* supreme head the very cause which called for a defence would have been annihilated, and the dissatisfied military would have been disorganized, and no longer necessary. With regard to the component individuals who were included in the civil list, it was necessary to support them; for to do this was essential to the existence of jurisprudence, and indispensably necessary for the support of good order in the community. The people of the metropolis (Richmond) were neither willing nor able to take the whole burthen of government upon their own shoulders; nor were they, on any account, bound to submit to it: yet the departments of administration must necessarily reside there, and the inhabitants must as necessarily be paid for accommodating men who, having sacrificed the conveniencies of life to the duties of public service, were unavoidably dependent on the national fund. Had the treasury of the state been adequate to the whole demand, it is presumed no man would have felt greater pleasure than Mr. Jefferson in the accommodation of all their wants; for benevolence is a trait in his constitution which has more than once placed his private credulity in the hands of the swindler. It is moreover to be considered, that the civil list contained but a small number of individuals; the military roll comprized a very large one. Of two evils it was certainly proper to choose the least: besides, the military had one resource which was beyond the immediate

power of the civil authority; — their arms and the laws of war empowered and justified them in taking needful supplies, otherwise than in waste, from those to whom Providence had been most bountiful; for such had been made the common lot of the war, the whole property of the people being voluntarily pledged for its defence at the period of its commencement. Some of the military, however, had a different sense of these matters, and preferred to quarter upon the Chief Magistrate those whom rank and military pride should have better instructed in the rules of decorum and common civility.

As early as the year 1774 Mr. Jefferson had appeared in print, and it was about this distracted period of revolutionary commotion that, amidst his numerous official functions, he was called upon by a foreigner of distinction (*said to be thus required by the King of France*) to furnish those notes on the state of Virginia which have been since that time published to the world, and have added to his literary reputation.

It is to be regretted that these notes contain, perhaps, an inadvertent reflection on the character of an officer, which has been the subject of animadversion in the American prints, and has been severely reprehended by the son-in-law of the offended party: * mention is made of this unlucky

* See his character of Colonel Cresap; Jefferson's notes, page 104.

circumstance because it would be partial to hide it, and yet it seems equally proper to cast a shade over its remembrance, because it does not seem natural to the general texture of his mind to do any man a *wilful* injury. The picture drawn by Mr. Jefferson is certainly a high-coloured one; and, taking all things together, it seems to present him as the dupe of misinformation, unless we admit the charitable supposition that the extatic moments of Indian exordium may be allowed to elevate a man above the *homo sapiens Americanus*, and above ordinary responsibility. I wish for his sake, and for his country's, that no farther mischief may ensue from the issue which has been taken in this point; and, as it must be highly honourable to Mr. Jefferson to retract in a case of error, I am persuaded that the happiest termination on both sides will be found in *éclaircissement* and obliteration.

To return to the particulars of Mr. Jefferson's official life, and to contemplate insinuations to his prejudice as thrown out to the world by those partisans of evil who alone have cause to dread his administration, it is more safe to rely on facts than aspersions. In 1774, he was the author of « A Summary View of the Rights of British America: » Will any man venture to assert that he did not comprehend those rights? Then why should he become the *partisan of France* to infringe the very rights which he had defined, and so long supported?

In 1780-1, he was Governor of Virginia. All

the objections to his administration which have yet been heard of are herein before fairly stated, and controverted on the personal knowledge of the writer. Is there a single insinuation that will bear reflection, although he governed under every possible impediment of invasions and insurrection?

In 1781, he wrote his Notes on Virginia. These were not intended for the press; yet they have found their way into print. Can any man say that he has cause to be ashamed of principles he has avowed there? Let his book be read, it will bear witness for the man.

But there is one of his avowed acts in the appendix which opens his whole political soul, in the very moment of success (call it even impunity) the termination of the war in 1783; it is his draught of a fundamental constitution. In the summer of 1783 it was expected that the people of Virginia would call a convention together for the purpose of establishing and reviving the essential spirit of their rights, by the formation of a radical law, or, in other words, *constitution*. Mr. Jefferson (who doubtless would have been an active member of that body) had prepared himself at leisure, and deliberately digested the form of a constitution, such as he conceived calculated to secure the rights and liberty of his country, in the most permanent manner, and with the least possible restraint on individual inclination.*

* See Jefferson's Notes, Appendix, page 356.

He opens the plan of this constitution with a declaration to the world of the nature of the war, and of other pre-existing circumstances which had rendered the proposed measure necessary. He proposes that a convention should be invited by the voluntary resolution of the legislature; and, of course, deduces the dependence and submission of the law giving power to its origin, *the People*. From this constitutional convention of the community, he delegates the departments of jurisprudence to a legislative, judicial, and executive authority; and he balances the whole very nicely in equilibrium. He divides the Legislature into two houses, and renders their concurrence an essential of their laws. He proposes that their election should be annual. He adjusts the equality of election by proportioning the county representatives to the number of the electors, and by limiting the number of delegates of which that house shall consist. His senatorial division consists of districts and classes. He establishes the method of voting *viva voce*, and gives the rights of suffrage to all who are enrolled in the militia. He regulates and confines the time and manner of legislative meeting and adjournment; and, giving to the Governor a power of convening them, admits a latitude in the case of infection or invasion, which may render a temporary removal expedient. A majority of either house forms its *quorum*. He allows the members no *privilege* whatever beyond personal protection while they are engaged in public business; and

(what may seem extraordinary in England) he makes the market price of *wheat* the medium of their wages, thereby (I apprehend) stimulating an attention to agriculture, while he dispenses the medium of equity. Ultimately, he pays a due and scrupulous attention to the doctrines of *exclusion*, *vacancies*, and *limits of power*.

To the Executive Governor, the Council of State, and its President, Mr. Jefferson has paid equal attention, as well as to the judiciary department. He has also proposed a *council of revision*, to consist of members from the two several departments of the executive and judicial: to this council he proposes the submission of all bills (which shall have passed the legislature) before they become ultimately a law; and, from the rules laid down in this case, it seems next to impossible that the legislative wisdom of the country should be surprized into the act of *a party*.

He has been equally attentive to the preservation of the state sovereignty and the consistency of the confederacy. In the appointment of delegates to Congress, he has left the election in the hands of the state legislature, but has been careful to exclude the members of the executive power from either voice or seat.

He has particularly guarded the writ of *habeas corpus* as the right of every man, and that ten days shall be the longest possible stretch of imprisonment after such writ is demanded.

He has taken due care to subject the military au-

thority to the civil power. Printing presses are only responsible for the propagation of falsehood ; and constitutional conventions may be called whenever they are thought to be needful by two out of the three branches of government.

Such is the *magna charta* devised by this great and *honest* statesman. But the wisdom and justice of his public character will appear in a light yet more true, perhaps, if we examine how far he may have practised the principles he has prescribed, during his civil administration in the capacities of Delegate in Congress, Foreign Ambassador, and Secretary of State.

In the year 1782-3, he was in Congress, from whence he was appointed as Ambassador to the Court of Spain, but the approach of peace, it is presumed, rendered his voyage unnecessary. In 1784, he was still in or at Congress, at Annapolis, in Maryland. In March, 1786, Mr. Jefferson was in England.

Shortly after this period we find him at the Court of Versailles, from whence he communicated his negotiations concerning the freedom of the tobacco trade, the powerful opposition of the farmers-general, &c. to Mr. Jay, Minister of Foreign Affairs at New York, in a letter dated May 27, 1786. In this letter he evinces considerable diplomatic talents, and success, having gained the approbation of M. de Vergennes, and the acquiescence of M. de Calonne. He has also recommended to the people of Carolina an improvement in preparing

their staple commodity, *rice*, in order to lead the Mediterranean market..

His attention to the fine arts in the midst of his diplomatic functions is not only a very striking proof of the universality of Mr. Jefferson's genius, but strongly evinces his application to those important points which militate to the improvement of his native country, and contribute to promote the happiness of man.

A mind thus elevated above the ordinary employments of its species is little susceptible of the dirty influence of party policy : it is only for the grovelling disposition which is incapable of leaving the beaten track of evil habit, that such a limited spirit is truly appropriate. In a very concise letter to Dr. Stiles, President of Yale-College, dated Paris, September 1st, 1786, this gentleman displays a fund of sentiment and information sufficient to entitle him to the confidence of his country, and the admiration of society : he has, indeed, suggested a new idea, *that the people of Asia are descended from the American Indians* ; but he has strongly supported this conjecture with at least well chosen facts.

When we find a man, in recess from public duty, capable of exploring the wilds of nature, the connections of the human species, and the ancient intercourse of long lost nations with each other ; when we find him attentive to painting, to literature and the fine arts, to the purity of metals, to the improvement of optics, of transposition by fac-simile,

and of science in general, we must allow him a grade above the tools of faction, admit him to a higher seat of dignity than the mere modeller of a national treaty about tobacco and rice, and allow him fitting qualifications for the presidential chair of a new country, which stands in need of expansive talents.

On the 22d of October, 1786, M. de Calonne announced to Mr. Jefferson, by a letter from Fontainebleau, the intention of the King of France to favour the commerce of the United States as much as possible; to double the number of their free ports; to reduce the duties which were prejudicial to the commerce with America; that after the expiration of a contract made by the farmers-general with Mr. Morvis (concerning tobacco) no similar one should be permitted; and that, during the existence of the term of Mr. M.'s contract, the farmers-general should be compelled to purchase annually about fifteen thousand hogsheads of American tobacco: this regulation of the tobacco trade (though not wholly in conformity to the principles proposed by Mr. Jefferson in his letter to the Count de Vergennes) appears to have been the result of Mr. Jefferson's negotiation, which had at first in view to eradicate that monopoly entirely.

In the arguments used by Mr. Jefferson on this occasion, in respect to abolishing the duties of France upon the oil trade, he appears to have carried equal conviction; for although France could not consent to a total abolition, she puts

the United States on a footing with the Hanse Towns, and M. de Calonne assigns her pre-existing treaties with other powers as a reason for her doing no more: his most Christian Majesty, moreover, thought fit to abolish the duties on the fabrication of this article.

On this occasion he also obtained an encouragement of the Carolina rice-trade; and, an abolition of duties on the articles of pot-ash, pearl-ash, beaver-skins, hair and raw leather, masts, yards, knees for ship-building, red cedar, green oak and timber of all kinds; ships built in the United States, shrubs, trees, and seeds from the States, and books and paper exported thither. There was also granted, on this negotiation, certain facilities on the exportation of the wines of Bordeaux, Guienne, and Touraine, and on the exportation of arms and military stores to the States.

At this period the consumption of *Carolina-rice* in France appears to have been about one half of their total demand, as stated in a letter from Mr. Jefferson to Dr. Ramsay of South Carolina, dated 27th October, 1786, at Paris. As much of this consumption, however, was connected with *fasting and praying*, the Carolina rice-trade affords an argument in favour of the *mitre*, as well as that of the *cod-fishery*; and there does not appear to be any spice of democracy in Mr. Jefferson, which should render him at this day a partisan against the interests of his native territory, or the Pope.

We do not find any material public measure to

be noticed concerning the present worthy object of our consideration between the years 1786 to 1789. Mr. Jefferson formed, it seems, during that period, several interesting literary acquaintances in France, to an intercourse with whom he chiefly devoted that leisure with which he was saddled by the growing discords of the country.

In 1789, Mr. Jefferson returned from France; and the pacific revolution, or rather *reformation*, of that period having taken place by unanimous consent and approbation of the several sovereign States, Mr. Jefferson was appointed Secretary of State to the Federal government.

In this eminent capacity, he was called on to perform many arduous duties of office; and the difficulty of performing these in a safe and satisfactory manner was greatly enhanced by the consideration of pursuing an unbeaten path in the organization of a new-born system. In whatsoever he undertook, however, he succeeded to the public satisfaction, and displayed unequalled talent and application.

On the 15th January, 1790, the House of Representatives referred to him, as Secretary of State, to report on the plan or plans which might be most proper for reducing the currency, weights and measures of the United States to an uniform standard. In considering this question, he gave ample proofs of his mathematical abilities; but, what adds to the perfection of this report* is the conciseness

* Report on Weights, Measures and Coins, 14th April, 1790.

of method, the spirit of natural philosophy, the assiduity of research, the discriminating precision, and the profundity of judgment with which it is every way replete.

On the 1st February 1791, Mr. Jefferson reported, in his official capacity, the state of the Cod and Whale Fisheries, which had, in like manner, been referred to him by the House of Representatives.

It could scarcely be supposed that this was a favourite topic with a man who had been bred in the mountains, a native of Virginia, where no such fisheries exist; or, that he could be any more at home to the fisherman's habits and personal interests, than a farmer would be at sea on board a first-rate ship of war. Mr. Jefferson, however, had « placed his mind with his house on an elevated site, from whence he might contemplate « the universe, » * and we find him equally attentive to the more remote interests of his country, as to those of his immediate neighbourhood: one might conceive him, indeed, from this document, to have been a regular-bred Boston merchant, who had accumulated a fortune in the traffic of spermaceti; but we must admit him to be a merchant of superior information to the plodder of pounds, shillings and pence, and recommend his report to the perusal of that intermediating class who would facilitate the great interests of com-

* Chastelleux's remark on this gentleman.

merce, without preying upon the public faith or the vitals of trade. In this report Mr. Jefferson recurs back to the earliest periods, and takes a copious view of the subject without prolixity: as an historian, he conveys abundant information; as a politician, he dives to the bottom of causes and effects; as a calculator, he shews himself skilled in arithmetic; as an American, he recounts the advantages and inconveniences which relate to his country; and, as a statesman, he develops the detail of every political disease with an ability that is only equalled by the excellence of his remedy, which is very far above the latitude of a groveling party policy.

We come now to one of the most important periods in the history of commerce; the period at which the ambassador of the King of England became a resident at the Court of America,* and the citizen minister of the French Republic † assailed the firmness of her neutral principles. In this probationary state of her political existence, the burthen of the day fell on the shoulders of Mr. Jefferson. We need not say with what ability he sustained the shock; on this head the Duke de Liancourt has left us nothing to communicate. Over the unpleasant occurrences of that trying period the two governments have wisely drawn a veil, and it shall not be our work to rend or to remove it.

* Mr. Hammond.

† Genet.

Suffice it to say that with both nations the correspondence was voluminous and intricate: it is apprehended to be, nevertheless, impartial on the side of Mr. Jefferson, and is somewhat important on the side of truth, against that insidious intrigue which dares impute to him an unworthy attachment.

In his letter of the 15th May, 1793, addressed to the predecessor of Mr. Genet (Mr. Ternant), he defines the laws of nations with perspicuity, and determines on an impartial observance of them: nay more, he abandons the citizens of America to the consequences of infraction, if, on either side, they depart from neutrality.

On a complaint from a British subject, stated in this same letter, that the Consul of France residing at Charleston, in South Carolina, had condemned, there, a British vessel captured by a French frigate, Mr. Jefferson remonstrates in the following words:

« We have not full evidence that the case has hap-
« pened; but on such hypothesis, while we should
« be disposed to view it in this instance as an error
« in judgment in the particular officer, we should
« rely, Sir, that you would interpose efficaciously
« to prevent a repetition of the error by him, or
« any other of the Consuls of your nation. »

On another complaint of the same nature, which states, that privateers had been fitted out from American ports, and manned, in part, by American seamen, to cruize against the ships of Great Britain, Mr. Jefferson makes the following observa-

tion to the minister of France : « Without taking
« all these facts for granted, we have not hesitated
« to express our highest disapprobation of the con-
« duct of any of our citizens, who may personally
« engage in committing hostilities at sea, against
« any of the nations parties to the present war ; to
« declare that, if the case has happened, or that
« should it happen, we will exert all the means
« with which the laws and constitution have armed
« us, to discover such offenders, and to bring them
« to condign punishment. »

Thus it is to be discovered (in the direct secretarial act of Mr. Jefferson, wherein, in the infancy of this contest, the head of this department has been less guided by a formal submission to the President, than by the rectitude of a heart, and the wisdom of a head, in which the supreme chief of the Union had an abundant confidence) that there is nothing in Mr. Jefferson's principles which should attach him to the factions of France, or any act which may be deemed incompatible with the duties of neutrality. If we were to follow him through the subsequent labyrinth of diplomatic intrigue, wherein the then existing rulers of France had employed their chosen corps in arming American citizens, in disorganizing the government of the United States, and in endeavours to involve her in the war, we shall find him equally vigilant and impartial : where then, may we ask, is the evidence of Gallic partiality which Englishmen have ascribed to him ? or what are his dreaded

principles? The failure of affirmative evidence, as well as a too voluminous proof of innocence, bid us desist from a farther disprobate!

As we now approach the period of Mr. Jefferson's retirement, for a short interval, to his domestic concerns, and afterwards to the less active, though highly dignified office of Vice President, we shall only add one more notice of his official acts in the employments of Secretary of State. He was called on by a resolution of the House of Representatives, dated February the 23d, 1791, to report on the privileges and restrictions of commercial intercourse; but the weighty concerns of organization, the ordinary calls of his official duties, and the cabals of foreign ministers, had occupied so much of his time, that he had not leisure to make this report till the 16th December, 1793; and even then found it proper to confine it to the summer of 1792 (where he had been called off from it by extraneous concerns) that he might be thereby enabled to speak with greater certainty to a settled point of time.

Doubtless, a review of such an extensive commerce, as that of America, must have been a work of immense labour, and one which demanded the intervention of commercial knowledge in the voluminous details with which it is connected. The difficulty, however, is not merely the extent of these: the various items could be accommodated by the help of clerks and transcribers; but it required the abilities of a Jefferson to compress the

view, and combine a picture of the whole, which might be comprehended by the ordinary capacity of a popular representation.

In this Mr. Jefferson seems to have succeeded with his accustomed felicity; for he has comprehended a summary of the whole in the space of twenty octavo pages; and yet he has given the most satisfactory statements of the trade with Great Britain, with France, Spain, Portugal, Denmark, Sweden and the United Netherlands, comprehending their respective privileges and restrictions, with an able summary of inconveniencies and remedies.

Shortly after this, one of his last secretarial transactions, Mr. Jefferson retired to his seat at Monticello, in Virginia. In addition to the ties of parental care and the claims of domestic happiness, Mr. Jefferson is said to have been somewhat induced to this derelictory measure, by the persuasion of a decided party over-balancing his opinions in the presidential decisions. « Immediately after this step, » says the Duke de Liancourt,

« Mr. Jefferson was considered by the ruling party as the
« leader of opposition: he was suspected of revolutionary
« views; he was accused of an intention to overturn the
« Constitution of the United States, of being the enemy of
« his country, and of a wish to become the tribune of the
« people. It is sufficient to know that Mr. Jefferson is a
« man of sense, to feel the absurdity of these scandalous
» imputations, and, whoever is acquainted with his virtue,
« must be astonished at their having been preferred against
« him. His speeches are those of a man firmly attached
« to the maintenance of the Union of the present Con-

« stitution, and of the independence of the United
 « States. He is the declared enemy of every new system,
 « the introduction of which might be attempted, but he is
 « a greater enemy of a kingly *form* * of *Government* than of
 « any other. He is clearly of opinion, that the present Con-
 « stitution should be carefully preserved and defended
 « against all infringements arising from the stretch of ex-
 « ecutive power. It was framed and accepted on republican
 « principles, and it is his wish that it should remain a re-
 « publican constitution.

« On several occasions,» says the Duke, « I have heard him
 « speak with great respect of the virtues of the President, †
 « and in terms of esteem of his sound and unerring judgment.

« But,» continues the Duke, « the spirit of party is
 « carried to excess in America; men who embrace the opi-
 « nion of Mr. Jefferson attack their opponents with im-
 « putations, no doubt, equally unfounded. In all party-
 « proceedings, neither reason nor justice can be expected
 « from either side, and very seldom strict morality, with
 « respect to the means employed to serve the favourite
 « cause: one cause alone appears good; every thing be-
 « sides is deemed bad, nay criminal, and probity itself
 « serves to mislead probity. Personal resentments assume
 « the colour of public spirit, and frequently, when the
 « most odious acts of injustice have been committed, and
 « the most atrocious calumnies spread, but few members
 « of the party are in the secret, and know that they are the
 « effusions of injustice and false representation. The truth
 « of these observations, being evident to all men who have
 « lived amidst parties, should lead to mutual toleration and
 « forbearance.

« In private life Mr. Jefferson displays a mild, easy, and
 « obliging temper, though he is somewhat cold and re-

* *Applied to the United States*: he meddles not with king-
 doms elsewhere, and pays due respect to those in authority.

† The late General Washington.

« served. His conversation is of the most agreeable kind,
« and he possesses a stock of information not inferior to that
« of any other man. In Europe he would hold a distin-
« guished rank among men of letters, and as such he has
« already appeared there; at present * he is employed
« with activity and perseverance in the management of his
« farms and buildings; and he orders, directs, and pursues
« in the minutest detail every branch of business relating
« to them. The author of this sketch found him in the
« midst of harvest, from which the scorching heat of the
« sun does not prevent his attendance. His negroes are
« nourished, clothed, and treated as well as white servants
« could be. As he cannot expect any assistance from the
« two small neighbouring towns, every article is made on
« his farm; his negroes are cabinet-makers, carpenters,
« masons, bricklayers, smiths, &c. The children he em-
« ploys in a nail-manufactory, which yields already a con-
« siderable profit. The young and old negresses spin for
« the clothing of the rest. He animates them by rewards
« and distinctions; in fine, his superior mind directs the
« management of his domestic concerns, with the same
« abilities, activity, and regularity, which he evinced in
« the conduct of public affairs, and which he is calculated
« to display in every situation of life.»

Such is the character and life of this great and good member of society; and it would be highly criminal to wish him separated from the bosom of his amiable family, to any other end than those important services to his fellow-creatures, for the performance of which nature has bestowed on him such an exalted capacity.

* June, 1795.

JEFFERSON'S CHARACTER

CONTINUED BY ANOTHER AUTHOR.

After the resignation of General Washington, the republicans naturally regarded Mr. Jefferson as a fit person to fill the presidential chair. The cause of so distinguished a patriot did not fail to unite the efforts of all the friends of freedom. The Federalists (as they called themselves) opposed to him Mr. Adams, then Vice President of the United States. Nothing furnishes a more certain proof of the great extent of Mr. Jefferson's popularity than the result of this election; for though at that time the interest of the federalists was very powerful, yet Mr. Adams gained his election but by the small majority of two votes. Mr. Jefferson having the next greatest number of votes, was, according to the provisions of the Constitution, elected Vice President.

Though it is foreign from our present object to discuss the comparative merits of the two great political parties that then divided the United States, yet (as virtue is rendered more strikingly interesting by contrasting it with vice) we cannot do justice to Mr. Jefferson's political conduct, without noticing some of the most prominent features of Mr. Adams's administration, and also some political events which occurred previous to his election. Immediately after the commencement of the war

between the French Republic and Great Britain, the strongest endeavours were made on the part of the British government to draw the United States into the contest in connection with her, and thus facilitate that alliance which had been so long and ardently sought for. These endeavours, however, were much obstructed by the grateful remembrance, cherished by the great body of the American people, of the aid which France afforded them when they were struggling for liberty against a sanguinary and powerful enemy. The British Ministers, knowing from fatal experience that force would rather retard than accelerate their purposes, had recourse to their usual means--*intrigue and corruption*. Gold was lavished among those who were base enough to be bribed, and assurances of personal elevation were given to the *ambitious spirits* of the more refined order of political apostasy. In short, every possible art that diplomatic skill could invent was exercised to deceive the people. The progress, however, of the deleterious influence of this system of intrigue and corruption was not very rapid till after the accession of Mr. Adams to the Presidency.

His memorable administration commenced the 4th of March, 1797. The first discoverable character that it assumed was an overweening attachment to Great Britain, and a deadly animosity against France. All the public prints, in the interest of the Executive government, as if impelled by his immediate direction, teemed with the most

offensive scurrility against the whole French nation. A decent regard to neither political or moral honesty was preserved in these vile vehicles of slander.

They even declaimed against the French for fancied efforts to divide the Union; for sending emissaries to alienate the people from their government, when, at the same time, Mr. Adams was actually engaged in separating St. Domingo from the mother country. The following extract of an intercepted letter, written by the British Minister (Mr. Liston) at Philadelphia to his government, proves conclusively the fact: « The situation of
« public affairs in this country continues the same
« as at the date of my last letters, *unless it be*
« *that the government* has given a new subject of
« *provocation* to France by *encouraging* (in con-
« *junction with us*) the negro chief, Toussaint,
« *in measures* which seem to tend ultimately to a
« *separation of the Island of St. Domingo from*
« *the mother country.* Whether this affront will
« be noticed by the Directory I do not pretend to
« decide, but I cannot persuade myself that it is
« probable. »

Several of these prints were notoriously in the pay of the British Minister, and no doubt furnished by him with such communications as were best calculated to inflame the two republics against each other, and widen the breach that unfortunately subsisted between them. In order to ensure success to the favourite object of rendering the

United States again colonies of Great Britain, they knew it was necessary to weaken, if not totally destroy the attachment of the people to their early defenders the French. With this view they daily exhibited the most horrid pictures of the French Revolution. The crimes of individuals who figured in that disastrous moment were furnished as a proof of the general depravity of the nation. It was represented that the people of France were destitute of every principle of moral integrity; that public faith had fallen, and with it, the honesty of the people. If any one was heard to approve the principles which led to the revolution, he was hunted down as a monster unfit for human society. Under the pretence of attacking those evils which are inseparable from a great revolution, the very principles of the constitution were indirectly attempted to be crushed, and the fair fabric of the representative government of America covertly sapped.

As the great body of any nation are more or less influenced by the papers they read, so a great majority of the Americans became infatuated against the French from being conversant with the ministerial papers. The editors of these prints, watching with eagerness for a favourable opportunity to disseminate, in a more undisguised manner, their nefarious principles, did not fail to avail themselves of this general infatuation: assuming fresh courage, they disclosed without reserve their real views. The following extract from one of their

papers will serve as a specimen of the modest manner in which they inculcated their sentiments. «Nothing but a war with France, in *alliance* with Great Britain, can save the United States from division, if not total subjugation.» Those who are not acquainted with the state of political affairs at that time in the United States will doubtless be astonished that sentiments of such a cast—sentiments so dangerous to the immediate welfare of America, were permitted by the Government to be published with impunity; but their astonishment will cease when they are informed that such opinions were derived from Mr. Adams, and of course warmly supported by him. He even declared in a public communication that «*the finger of heaven pointed to a war with France.*»

The federalists, by magnifying the faults of the French, and their occasional acts of hostility against American commerce, excited almost an universal sentiment of detestation against them. Many honest men, taking every thing for granted that received *executorial* sanction, were hurried into the vortex of the general delusion. A war with Great Britain was the last thing thought of, though her ships were daily committing the most flagrant violations of the laws of neutrality, by taking and condemning American vessels, and treating their mariners with their accustomed inhumanity.

Nothing was now talked of but war; vessels were armed to repel the attacks of the French by sea, and an army raised to prevent invasion: a

law was passed to make reprisals, and the existing treaties between the two Governments declared to be no longer in force. It became the federal axiom, that « a public debt is a public blessing, » and that executive patronage was the only sure means of preserving the independence of the administration. These *axioms* were scrupulously observed, and the former made to insure the success of the latter. Heavy loans were effected at the enormous rate of 8 per cent. The amount raised, while it essentially augmented the national debt, by being left at the disposition of the President, materially increased his patronage. In support of their favourite object, which had long been cherished by the British faction, the funding system had been established, which is one of great iniquity and profuse patronage. In the formation of this system, the principles of the English government, upon the same subject, were copied. It was instituted in both countries for the like purposes, to increase the power of the executive, by raising round it a *monied interest*, at all times ready to sacrifice good principles for private gain. An increase of debt necessarily occasions an increase of taxes; and a multiplication of taxes creates an increase of officers, who are appointed by the executive. The greater the debt, therefore, the greater the taxes; and as these increase, federal offices are multiplied; those, therefore, who were solicitous unduly to increase executive influence and to nurture executive patronage at

the expence of freedom, were correspondently anxious to swell the national debt to its highest possible extent. The destructive measures of this faction made a rapid and astonishing progress; no regulation that could in any way accelerate the attainment of the primary object was neglected. The people groaned under the most grievous burthens. To prevent an investigation of the principles on which the government was administered, a sedition law was passed, which, in effect, destroyed the liberty of the press. To examine the measures of government was an immunity too precious to be exercised by the people at a time when their agents fancied they possessed the power to wrest it from them. They were resolved to narrow the rights of their constituents; and they cherished the hope that, by doing so, the power of the Executive would become more *energetic*. No man was left in office who was honest enough to avow those just principles which emanated from the spirit of the constitution. Many of those brave patriots who had bled in the cause of freedom were now thrown into prison for expressing an honest indignation at the measures of Mr. Adams, which, in every progressive step, tended to bring the people *again* under the British yoke; and in order to render them less formidable when liberated, their estates were swallowed up in the satisfaction of heavy fines, imposed under the specious form of merited punishment.

As the vicious ever grow bold in success, so the

leading Federalists, counting with perfect security on the ultimate success of their plans, did not hesitate to avow their real object to be the establishment of monarchy. The people had long been deceived; they thought those publications, which sometimes appeared in the Ministerial papers (of which we have given a specimen) were not sanctioned by the Executive, but the mere effusions of impassioned editors, and under this delusion they were willing to sacrifice their best interests in the support of an administration which they thought calculated to subserve the public good. But when the veil of delusion was drawn from their eyes; when reason, instead of party prejudice, assumed her reign, they abandoned their deceivers with contempt. They shuddered with horror when they contemplated the dreadful precipice from which they were so nearly thrown into the shameful abyss of ignominious slavery. They saw the wicked policy of raising an army to repel the attacks of an enemy more than three thousand miles from their shores, and who were then engaged in a bloody contest with almost all Europe. They no longer doubted the object of increasing the taxes; augmenting the national debt; promoting Executive patronage; passing a sedition law to abridge the liberty of the press; and an alien law to prevent the oppressed patriots of Ireland from finding an asylum from the tyrannizing hand of British power.

The political affairs of America began now to assume a different aspect. The people rejoicing

in having discovered the cloven foot of federalism, exercised the sacred right of suffrage in *favour of liberty*; they elected to legislative offices those brave heroes who, in that «awful period which tried men's souls,» never swerved from political virtue, of whom, few, indeed, were found in federal ranks. Many of the state legislators, before federal, now became republican; liberty once more assumed her legitimate empire over the land; her attributes were recognized, and the people were happy. But, in order to secure the advantages of this discovery, much was to be done; many abuses were to be corrected; the tree of liberty required much pruning, as, during the thrifty days of federalism, many offensive excrescences had grown upon it.

The diseases incident to the human body may in some sort be likened to those to which a state is liable, and in either case where they are virulent, and deep rooted, great skill and care are required to effect a cure, lest more serious consequences should ensue than those which are produced even by the original disorders: such was the case with America; the seeds of a complicated disorder were interwoven in the very sinews of the government. The people again turned their attention to Mr. Jefferson, as the only man in America capable of restoring health to the nation, and guarding it from the proverbial severity of a relapse. The election for President commenced in the Autumn of 1800, in the dif-

ferent states composing the union ; the result of which placed Mr. Jefferson in the governmental chair , which he assumed the 1st. of March , 1801 , the second glorious epoch of American liberty. The perfect happiness of the American people ; the re-establishment of public credit, and the important rank which America now holds among the nations of the earth , are the surest proofs of the justice with which he governs , and belies those inimical presages of suspicion every where circulated by the federalists : we cannot however forbear giving our readers a short sketch of the most prominent features of his administration.

The first session of Congress under the government of this great and good man commenced the 7th of December 1801. On the 8th his message was delivered to both Houses. By this message, after giving a general view of the state of foreign relations , and the prosperity of the nation , he recommended :

A reduction of expenditures in the civil , the army, and navy departments ; and particularly an abolition of useless offices ; a repeal of the internal taxes , comprehending the excise on domestic distilled spirits , the stamp tax , the tax on sales at auctions , on licence to retail , on carriages , on domestic refined sugars , and upon the postage on news-papers ; a careful attention to the interests of agriculture , manufactures , commerce , navigation , and especially the carrying trade ; a revisal of

the laws on the subject of naturalization. Finally a revision of the judiciary system, with peculiar reference to the judiciary act passed in February, 1801, which was the last political trick of the Federal Administration. — The federalists, knowing that on the 4th of March ensuing most of their places would be filled by republicans, had recourse to the establishment of a new judiciary system, under which so large a number of judges were to be appointed by Mr. Adams before he left the chair, that they vainly hoped, by creating so powerful a judicial interest in the state, to resuscitate federalism with all its mischiefs. He also recommended some provisions to be made for an impartial selection of jurors.

The man who devotes his labours and attention to a reduction of public expenditures, to the abolition of useless offices, to the diminution of public burthens, to aid, encourage and promote agriculture, manufactures, commerce and navigation, to preserve a due administration of justice at a reasonable expense, and to provide for an impartial selection of jurors, richly merits the confidence of a nation.

Both Houses of Congress united with the President in the great work of reformation; the result of which, by an accurate calculation, produced an annual saving to the nation of nearly two millions. It was said by many, that, striking at once at the roots of so many sources of public revenue, the government could not be amply supported. The

correctness of Mr. Jefferson's calculations was, however, verified by the report of the secretary of the treasury at the end of the first year of his administration: by this, it appeared, that there remained more money in the treasury unexpended by several millions than at any prior period, and that the national debt had been considerably lessened.

It is now almost four years that Mr. Jefferson has occupied the presidential chair; during which period, by the wisdom of his measures, the citizens have been secured in the enjoyment of their civil and religious liberties. An immense acquisition of territory has been effected by purchase which promises to be of much value to the states. The nation has been rendered respectable abroad, and peaceable and happy at home. The laws have been duly executed, and the ties of morality remain in full force.

Every succeeding year of the administration of this virtuous man has produced new regulations for the happiness of the people. He has convinced the world that he lives not for himself, but for the benefit of America and of mankind. Presiding over a powerful and rich nation, he solicits the limitation of his own powers, the reduction of his own privileges, and the exercise of every constitutional check to limit the executive will.

It is with much pleasure we learn that there exists no doubt but that he will be again elected to the presidency by almost an unanimous voice of the people.

We trust our readers will not be displeased by finishing this sketch with the following pertinent address :

«PEOPLE OF AMERICA, you are perhaps at this moment, in point of privilege and situation, the most highly favoured nation on the face of the earth ! Possessed of a large and fertile country, an extensive sea course, abounding with navigable rivers — a rich and productive soil of various qualities, under various climes, capable of producing all the necessities, and a sufficient variety of the conveniences as well as the luxuries of life. Your resources are sufficiently great ; add to your own EXCELLENT CONSTITUTION a code of well digested laws, now yearly advancing in their perfection by the wisdom and approved policy of your legislators, the men of your choice, who have lately refined and established an independent judiciary (the constitution contemplates no more) whereby internal order and peace are established, equal justice administered — your lives and property protected and defended, as far as human laws and human policy will admit. You are this moment tranquil in the enjoyment of your civil and religious liberty, under the smiles of a kind and benevolent JEHOVAH, whose superintending Providence presides over all your affairs, which no doubt directed your choice in the *man*, who with *wisdom, prudence, moderation, and economy*, now administers your government. He has pledged himself to defend your rights, as far as depends on his administration ; a specimen

of which pledge you have already had sufficient to confirm your confidence in him , which not only justifies , but does honour to your choice , though shamefully traduced and slandered by a few restless , disappointed , and ambitious oligarchs and their agents. Yet conscious of his own integrity , he courts investigation , nor shrinks from the pen of the most inveterate critic. Shielded with the banners of truth and justice , he dreads no attack , knowing that the poisoned shafts aimed at his public character will , nay , must eventually rebound and fasten with *unextinguishable pungency* on *his* and the *people's* most *desperately wicked* and *unforgiving* , as well as *ungenerous* , *calumniators*. Thus , being freed from the grasp of aspiring ambition , under all these advantages , no people ever had , or now have it , in their power , to live more independent than yourselves. United under such circumstances , no less a power than he who gave it can deprive you of the *boon*. Let it then be with you a prime object to cultivate and mature your soil , and in this way perfect the arts of husbandry. Improve as fast as time will admit in the useful arts and manufactures , for which purpose your soil , under proper cultivation , is capable of producing all the raw materials in such abundance as will shortly afford you an ample supply for your own consumption , and a large surplus for exportation. Vie then with each other for any premium that may be offered as an encouragement to the improvement in agriculture and manufac-

tures. Be active and industrious—be vigilant—be just and honest in your private and social intercourse with each other. Lay aside party spirit, with all its malignant and baneful effects. Cultivate mutual friendship with all classes of citizens as far as you can, consistent with a proper defence of your *constitutional freedom*; but never lose sight of your unalienable rights as *men*, of your *civil* and *religious liberty*. Purchase no man's friendship at their expense, nor act the part of Esau, who bartered away his birth-right for a mess of pottage; who in vain sought it afterwards with sorrowing. But let your defence and improvement of them always keep pace with your other acquisitions. Be willing that all should share equally with you in the enjoyment of them. But frown the man into contempt who discovers a wish to connect you again with Great Britain. The people of that haughty nation will never regard you as friends, but will ever look down upon you with contempt, and not only strip you of the last shilling of the hard earnings of honest industry to maintain their pomposity, but will, if they can get it in their power, exert every nerve to rivet their ancient chains on you with *tenfold force!* »

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Characters of Fox, Horne Tooke, Erskine, Jefferson etc

Paris 1810

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